



Virginia Department of Corrections

Authority, Inspection, and Auditing

Operating Procedure 038.3

Prison Rape Elimination Act (PREA)

Authority:

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§115.86, §115.87, §115.88, §115.89, §115.211, §115.212,
§115.216, §115.221, §115.222, §115.232, §115.233,
§115.242, §115.251, §115.252, §115.253, §115.254,
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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in September 2023 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Abuse - The improper act or treatment of an individual that directly or indirectly causes physical, financial, mental, or emotional injury to the individual. Mental or emotional injury may be inferred by the nature and/or circumstances of the act.

Auxiliary Aids and Services - Assistance provided through services, equipment, or modifications to provide equal access for disabled or impaired individuals to activities, programs, and privileges, these aids and services may include, but are not limited to:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments
- Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals who are blind or have visual impairments
- Functional devices to increase mobility including but not limited to walkers, canes, crutches, and manual or powered wheelchairs for individuals with mobility impairments
- Acquisition or modification of equipment or devices and other similar services and actions

Carnal Knowledge - The acts of sexual intercourse, cunnilingus, fellatio, anallingus, anal intercourse, and animate and inanimate object sexual penetration; see COV §18.2-64.2, *Carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; penalty.*

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion.*

Discharge (Facility Release) - The release of an inmate or probationer/parolee from a facility due to satisfying the requirements for release from that facility; discharge may be due to parole, good time release, pardon, court order, completion of Community Corrections Alternative Program or other reasons. Discharge may be to the community with or without probation/parole/post-release obligations or discharge may be to law enforcement authorities for other legal obligations or deportation.

Fraternalization - Employee association with inmates/probationers/parolees, their family members, or close friends of inmates/probationers/parolees, outside of employee job functions, that extends to unacceptable, unprofessional and prohibited behavior; examples include non-work related visits between inmates/probationers/parolees and employees, non-work related relationships with family members or close friends of inmates/probationers/parolees, connections on social media, discussing employee personal matters (marriage, children, work, etc.) with inmates/probationers/parolees, and engaging in romantic or sexual relationships with inmates/probationers/parolees. (updated 9/7/23)

Inmate - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

Intern - An individual who is undergoing supervised practical training and is serving an internship to advance their area of study; without compensation from the DOC; interns receiving compensation from the DOC are considered employees and will be managed in accordance with their employment status.

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.

LGBTI - An acronym encompassing Lesbian, Gay, Bisexual, Transgender, and Intersex inmates.

Limited English Proficiency (LEP) Inmates and Probationers/Parolees - Individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English.

Medical Authority - The lead facility Medical Practitioner; clinical supervision is provided by the Chief Physician.



Medical Practitioner - A Physician, Nurse Practitioner, or Physician's Assistant.

Mental Health Clinician - An individual with at least a Master's degree in psychology, social work, or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders, which may include a Psychiatric Provider, Social Worker, or Registered Nurse. (updated 1/3/23)

Physical Evidence Recovery Kit (PERK) - An examination administered by specially trained professional medical practitioners to collect forensic evidence for criminal investigations of sexual assaults and other sexual violations; if possible, PERK examinations should be administered within 120 hours of an alleged incident of sexual intercourse and/or sodomy.

Primary Language - The language in which an individual is most effectively able to communicate.

Probationer/Parolee - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

Program Visitor - A citizen volunteer who provides a one-time, on call or single task voluntary service. (added 5/26/23)

Rape - 34 U.S.C. §30309, *Definitions* defines rape as "the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth, or his or her temporary or permanent mental or physical incapacity; or the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury." COV §18.2-61, *Rape* defines rape as any person who has "sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape."

Recent Sexual Assault - A sexual assault that is alleged to have occurred within the previous 120 hours.

Sexual Abuse

- **Sexual abuse of an inmate or CCAP probationer/parolee by another inmate or CCAP probationer/parolee** 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:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - Contact between the mouth and the penis, vulva, or anus
 - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
 - 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 or CCAP probationer/parolee by employees, contractors, volunteers or interns** includes any of the following acts, with or without consent of the inmate or probationer/parolee:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - Contact between the mouth and the penis, vulva, or anus
 - 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
 - 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
 - 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, volunteer or intern has the intent to abuse, arouse, or gratify sexual desire
 - Any attempt, threat, or request by a staff member, contractor, volunteer or intern to engage in the activities



described as sexual abuse in this section

- Any display by a staff member, contractor, volunteer or intern of their uncovered genitalia, buttocks, or breast in the presence of an inmate or CCAP probationer/parolee
- Voyeurism by a staff member, contractor, volunteer, or intern
- This definition does not include incidental touching during security searches, medical personnel engaged in evidence gathering or legitimate medical treatment, or to health care personnel performing body cavity searches in order to maintain security and safety within a facility.

Sexual Assault - Any sexual touching or contact that is non-consensual, forced, or coerced in any manner, including but not limited to rape, sodomy, or unlawful touching; see COV §18.2-67.10, *General definitions*.

Sexual Assault Hotline - A toll free telephone number maintained to allow inmates and CCAP probationers/parolees to report sexual abuse or misconduct by dialing #55 from any inmate and CCAP probationer/parolee telephone system phone.

Sexual Harassment - (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 or CCAP probationer/parolee directed toward another; and (2) Verbal comments or gestures of a sexual nature to an inmate or CCAP probationer/parolee by a staff member, contractor, volunteer, or intern including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures, including but not limited to the intentional or repeated use of a gendered pronoun or form of address that does not reflect the gender identity of the inmate or CCAP probationer/parolee being addressed.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate/probationer/parolee or an employee by an employee, volunteer, contractor, visitor, or agency representative; this includes but is not limited to acts or attempts to commit such acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct /of a sexual nature or implication, obscenity, and unreasonable invasion of privacy. (updated 9/7/23)

Substantiated Allegation - An allegation that was investigated and determined to have occurred.

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.

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

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.

Volunteer - Any citizen of the community who, of their own free will, provides goods or services to the DOC without any financial gain (updated 5/26/23)

Voyeurism (by a staff member, contractor, volunteer, or intern) - An invasion of privacy of an inmate or CCAP probationer/parolee by a staff member, contractor, volunteer, or intern for reasons unrelated to official duties, such as peering at an inmate or CCAP probationer/parolee who is using a toilet in their cell to perform bodily functions; requiring an inmate or CCAP probationer/parolee to expose their buttocks, genitals, or breasts; or taking images of all or part of an inmate's or CCAP probationer's/parolee's naked body or of an inmate or CCAP probationer/parolee performing bodily functions.

Voyeurism (by an inmate or CCAP probationer/parolee) - An invasion of privacy of an inmate or CCAP probationer/parolee by another inmate or CCAP probationer/parolee, such as intentionally peering at an inmate or CCAP probationer/parolee who is showering or using a toilet to perform bodily functions; or requiring an inmate or CCAP probationer/parolee to expose their buttocks, genitals, or breasts.



PURPOSE

This operating procedure provides guidance on the requirements of the Prison Rape Elimination Act (PREA) of 2003 and compliance with the *PREA National Standards* in the Department of Corrections (DOC).

PROCEDURE

- I. Prison Rape Elimination Act (PREA)
 - A. The Prison Rape Elimination Act (PREA) signed into law in 2003 established the requirement for correctional facilities to adopt national standards for the prevention, detection, and reduction of sexual abuse and sexual harassment of individuals in confinement; see 28 CFR Part 115, *Prison Rape Elimination Act National Standards* and 34 U.S.C. Chapter 303, *Prison Rape Elimination*
 - B. This operating procedure applies to all staff, contractors, volunteers, interns, inmates, CCAP probationers/parolees, and all persons who conduct business with the Virginia Department of Corrections (DOC).
 - C. Compliance with PREA is a priority for the DOC and staff strive to provide a safe environment where inmates and probationers/parolees are free from sexual misconduct and staff make every effort to detect, prevent, and reduce sexual abuse, assault, harassment, and misconduct.
 1. The PREA/ADA Supervisor is the DOC PREA Coordinator with sufficient time and authority to develop, implement, and oversee DOC efforts to comply with the *PREA National Standards* in all DOC facilities. (§115.11[b], §115.211[b])
 2. Regional PREA Analysts oversee facility efforts to comply with the *PREA National Standards* and directs facility PREA activities within their assigned Region.
 3. A PREA Compliance Manager designated by the Facility Unit Head, with sufficient time and authority coordinates the facility's efforts to comply with the *PREA National Standards*. (§115.11[c])
 - D. The DOC has a Zero Tolerance Policy that strictly prohibits staff, contractor, volunteer, and intern fraternization and sexual misconduct with inmates and probationers/parolees, or between inmates and CCAP probationers/parolees. The DOC actively works to prevent, detect, report, and respond to any violation. (5-ACI-3D-14; §115.11[a], §115.211[a])
 1. All staff, contractors, volunteers, and interns must provide a positive role model for inmates and probationers/parolees, promote a safe, secure, healing environment, and observe the rules of conduct when interacting with inmates and probationers/parolees; see Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*. (5-ACI-3D-14)
 - a. The DOC prohibits any behavior of a sexual nature such as abuse, assault, harassment, misconduct between staff, contractors, volunteers, or interns and inmates or CCAP probationers/parolees, regardless of consensual status. (4-ACRS-6A-05; 2-CO-1C-11)
 - b. Staff must immediately report any allegation of staff, contractor, volunteer, and intern fraternization with an inmate or CCAP probationer/parolee to the Regional PREA Analyst.
 - c. Staff, contractor, volunteer, and intern sexual conduct with an inmate or CCAP probationer/parolee is a violation of COV §18.2-64.2, *Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or post trial offender; penalty* and §18.2-67.4, *Sexual battery*; COV violations are subject to criminal prosecution.
 - d. Staff are further subject to a Group III offense; see Operating Procedure 135.1, *Standards of Conduct*. Termination is the presumptive discipline for all violations.
 - i. All violations of Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*, will result in disciplinary action; see Operating Procedure 135.1, *Standards of Conduct*.
 - ii. Staff with knowledge of staff, contractor, volunteer, or intern fraternization or sexual

misconduct with inmates or probationers/parolees have a duty to report and any staff member who fails to report such behavior may be subject to disciplinary action.

- e. The DOC will prohibit any contractor, volunteer, or intern who engages in sexual abuse of an inmate or CCAP probationer/parolee from further contact with inmates and probationers/parolee.
 - i. The DOC PREA Coordinator must report all contractors, volunteers, and interns who sexually abuse an inmate or CCAP probationer/parolee to the relevant licensing bodies and to law enforcement agencies unless the activity was clearly not criminal.
 - ii. The DOC may prohibit a contractor, volunteer, or intern from further contact with inmates and CCAP probationers/parolees for any other violation of a sexual nature.
2. Contracts and Contract Renewals
- a. Through contracts and Board of Corrections operating standards, all new contracts and contract renewals with jails and other non-DOC facilities for the confinement of inmates or probationers/parolees must include the entity's obligation to adopt and comply with the PREA standards; see Operating Procedure 260.1, *Procurement of Goods and Services*. (§115.12[a], §115.212[a])
 - b. Any new contract or contract renewal will provide for DOC contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12[b], §115.212[b])
3. DOC has zero tolerance for inmate-on-inmate and CCAP probationer/parolee-on-CCAP probationer/parolee sexual harassment, assault, or abuse. (4-ACRS-6A-05; 2-CO-1C-11)
- a. Sexual harassment, assault, and abuse by inmates and CCAP probationers/parolees is prohibited and subject to disciplinary action and may, result in criminal charges; see Operating Procedure 861.1, *Offender Discipline, Institutions*, and Operating Procedure 940.4, *Community Corrections Alternative Program*.
 - b. Consensual sexual activity among inmates or CCAP probationers/parolees is prohibited. Inmates and CCAP probationers/parolees who engage in this type of activity will be subject to disciplinary action; see Operating Procedure 861.1 *Offender Discipline, Institutions*, and Operating Procedure 940.4, *Community Corrections Alternative Program*.

II. Prevention

A. Inmate and CCAP Probationer/Parolee Training

1. Zero Tolerance Policy

- a. All inmates and CCAP probationers/parolees newly received into the DOC will receive information explaining the DOC's Zero Tolerance Policy for sexual abuse and sexual harassment and instructions on how to report incidents or suspicions of sexual abuse or sexual harassment. (5-ACI-3D-09; §115.33[a], §115.233[a])
- b. The information provided to newly received inmates and CCAP probationers/parolees must include the following topics: (5-ACI-3D-09)
 - i. Definition of sexual misconduct/assault and the behaviors prohibited by staff, contractors, volunteers, interns, inmates, and CCAP probationers/parolees
 - ii. DOC Zero Tolerance Policy
 - iii. Prevention/Intervention
 - iv. Self-protection
 - v. Reporting sexual abuse/assault/harassment
 - vi. Treatment and counseling
 - vii. Inmate and CCAP probationer/parolee sexual abuse hotline number #55
 - viii. Free emotional support through sexual abuse hotline number #55, option 2
- c. Staff will communicate this information verbally and in writing.

2. Intake PREA Training



- a. On the day of arrival, inmates and CCAP probationers/parolees will receive an initial intake PREA training; see Attachment 2a, *Preventing Sexual Abuse & Sexual Assault - Trainer Outline (Intake)*. (5-ACI-3D-09)
 - b. The inmate or CCAP probationer/parolee will:
 - i. Watch Section 1 of the *PREA: What You Need to Know* video
 - ii. Receive a copy of the *Zero Tolerance for Sexual Abuse and Sexual Harassment*; see Attachment 1E, Attachment 1H for Hearing Impaired, or Attachment 1S for Spanish Version.
 - iii. Sign the *Preventing Sexual Abuse and Assault Training Acknowledgement 038_F4 (Spanish 038_F4S)* to document completion of the *Preventing Sexual Abuse and Sexual Assault Training (Intake)* and the *Zero Tolerance for Sexual Abuse and Sexual Harassment* attachment.
3. Comprehensive PREA Training
- a. Within 10 days of arrival, inmates and CCAP probationers/parolees will receive a comprehensive PREA training; see Attachment 2b, *Preventing Sexual Abuse & Sexual Assault - Trainer Outline (Comprehensive)*. (5-ACI-3D-09)
 - b. The inmate or CCAP probationer/parolee will: (§115.33[b], §115.233[a])
 - i. Watch the video *PREA: What You Need to Know*
 - ii. Sign the *Preventing Sexual Abuse and Assault Training Acknowledgement 038_F4 (Spanish 038_F4S)* to document receiving the *Preventing Sexual Abuse and Sexual Assault Training (Comprehensive)*. (§115.33[e], §115.233[d])
 - c. Staff will upload the signed *Preventing Sexual Abuse and Assault Training Acknowledgement 038_F4 (Spanish 038_F4S)* in VACORIS as a *Special Entry* note to document inmate or CCAP probationer/parolee completion of the required training.
 - i. Staff must upload the signed *Preventing Sexual Abuse and Assault Training Acknowledgement* on the same day that the inmate or CCAP probationer/parolee completes the comprehensive training.
 - ii. Once uploaded, staff do not need to retain the original *Preventing Sexual Abuse and Assault Training Acknowledgement*.
4. PREA Training at Transfer (§115.33[c], §115.233[b])
- a. Staff will give each inmate received from another DOC institution a copy of the *Zero Tolerance for Sexual Abuse and Sexual Harassment* which includes the sexual assault/emotional support hotline number; see Attachment 1E, Attachment 1H (Hearing Impaired), or Attachment 1S (Spanish)
 - b. If the signed *Preventing Sexual Abuse and Assault Training Acknowledgement 038_F4 (Spanish 038_F4S)* is not available in VACORIS, staff must provide the inmate with the comprehensive PREA training as described for an inmate and CCAP probationer/parolee newly received into the DOC.
5. It is mandatory that all inmates and CCAP probationers/parolees attend both the intake and the comprehensive PREA training. Staff, in institutions, will submit a disciplinary offense report for Disciplinary Offense Code 200, *Refusing to work or refusing to attend school or other program assignments mandated by procedure or by law, or failure to perform work or program assignment as instructed* for any inmate who refuses to attend; see Operating Procedure 861.1, *Offender Discipline, Institutions*.
6. In addition to providing inmates and CCAP probationers/parolees with education and training on preventing sexual abuse and assault, staff will ensure that key information is continuously and readily available or visible to inmates and CCAP probationers/parolees through posters, orientation manuals, or other written formats. (§115.33[f], §115.233[e])
- B. Disabled and LEP Inmates and CCAP Probationers/Parolees (§115.16, §115.216)
1. Staff must take appropriate steps to ensure that inmates and CCAP probationers/parolees with a

disability have an equal opportunity to participate in or benefit from all aspects of the DOC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

- a. Inmate and CCAP probationer/parolee disabilities include but are not limited to deaf or hard of hearing, blind or have low vision, and inmates and CCAP probationers/parolees with intellectual, psychiatric, or speech disabilities or limited reading skills.
 - b. Staff will arrange for inmates and CCAP probationers/parolees to receive training and materials using auxiliary aids and services so that the inmate or CCAP probationer/parolee understands the information; see Operating Procedure 801.3, *Managing Offenders with Disabilities*. (§115.33[d], §115.233[c])
 - c. Staff will provide inmates and CCAP probationers/parolees with access to interpreters who can effectively, accurately, and impartially interpret, both receptively and expressively, using any specialized vocabulary, when necessary, to ensure effective communication with inmates and CCAP probationers/parolees who are deaf or hard of hearing.
 - d. Staff should utilize Video Remote Interpreting (VRI) to communicate effectively with deaf inmates and CCAP probationers/parolees when American Sign Language interpreters are not available on-site.
 - e. Staff will provide written materials in formats or through methods that ensure effective communication with inmates and CCAP probationers/parolees with disabilities, including those who have intellectual disabilities, limited reading skills, and who are blind or have low vision.
 - f. Staff are not required to take any action that they can demonstrate 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, *Nondiscrimination on the Basis of Disability in State and Local Government Services, Duties*.
2. Staff must take reasonable steps to ensure LEP inmates and LEP CCAP probationers/parolees are afforded meaningful access to all aspects of the DOC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- a. Staff must arrange for LEP inmates and CCAP probationers/parolees to receive training and materials in their primary language so that the inmate and CCAP probationer/parolee understands the information; see Operating Procedure 801.7, *Language Services for Limited English Proficiency*. (§115.33[d], §115.233[c])
 - b. Staff cannot rely on inmate and CCAP probationer/parolee interpreters, readers, or other types of inmate and CCAP probationer/parolee assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's or CCAP probationer's/parolee's safety, the performance of first-response duties, or the investigation of the inmate's or CCAP probationer's/parolee's allegations.
3. Staff should consult with their PREA Compliance Manager and Regional PREA Analyst, as necessary, to obtain information on available resources to provide equal opportunity and meaningful access to inmates and CCAP probationers/parolees with disabilities and inmates and CCAP probationers/parolees who are LEP.

C. Staff, Volunteer, Intern Training

1. Staff Training

- a. All staff are trained on the prevention, detection, response, reporting, investigation, and disciplinary sanctions related to sexual abuse/assault/misconduct/harassment; see Operating Procedure 350.2, *Training and Development*.
- b. Staff training includes but is not limited to:
 - i. Prevention strategies



- ii. Recognizing indicators of inappropriate relationships
 - iii. First responder duties
 - iv. Dynamics of sexual abuse/harassment in confinement
 - v. Professional searches
 - vi. Professional interactions with Lesbian, Gay, Bisexual, Transgender/Transsexual, and Intersex (LGBTI) inmates and probationer/parolees
 - vii. Use of gender neutral language and pronouns when interacting with inmates and CCAP probationers/parolees
 - viii. Duty to report any knowledge or allegations or incidents of sexual abuse, sexual assault, sexual harassment, and sexual misconduct
- c. Staff by complying with DOC training and applicable operating procedures, maintaining an awareness of their environment, detecting incidents of sexual abuse or behavior that may lead to abuse, and being responsive to inmate and CCAP probationer/parolee reporting assist in the prevention of sexually abusive behavior.

2. Contractors, Volunteers, and Interns

- a. All DOC contractors, volunteers, and interns who have or could have physical, visual, or auditory contact with inmates and CCAP probationers/parolees are trained on their responsibilities to prevent, detect, monitor, and report allegations and incidents of inmate and CCAP probationer/parolee sexual abuse and sexual harassment. (§115.32[a], §115.232[a])
- b. The level and type of training provided to contractors, volunteers, and interns is based on the services provided and the level of contact they have with the inmates and CCAP probationers/parolees. (§115.32[b], §115.232[b])
 - i. At minimum, staff will notify contractors, volunteers, and interns of the DOC's Zero Tolerance Policy regarding sexual abuse and sexual harassment and will inform them on how to report such incidents.
 - ii. Staff will give each contractor, volunteer, and intern a copy of Attachment 4, *A Guide to Maintaining Appropriate Boundaries with Inmates or CCAP Probationers/Parolees for Contractors and Volunteers of the Virginia Department of Corrections*.
 - iii. Contractors, volunteers, and interns are required to sign Attachment 6, *Prison Rape Elimination Act (PREA) Training Acknowledgement*.
- c. Additional guidance on contractor, volunteer, and intern training can be found in Operating Procedure 027.1, *Volunteer Program and Internship Program* and Operating Procedure 102.6, *Staff Orientation*.

3. Background Investigations

Staff will perform a Virginia Criminal Information Network (VCIN) on all current and prospective staff, contractors, volunteers, and interns in accordance with Operating Procedure 102.3, *Background Investigation Program*.

D. Inmate and CCAP Probationer/Parolee Screening and Use of Screening Information

1. Staff, utilizing the results of the *Classification Assessment* and available inmate and CCAP probationer/parolee records, will screen all inmates and CCAP probationers/parolees for potential vulnerabilities or tendencies to act out with sexually aggressive or other violent behavior, at intake, transfer, and as needed; see Operating Procedure 810.1, *Inmate Reception and Classification*, Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*, and Operating Procedure 940.4, *Community Corrections Alternative Program*.
2. Staff will use information from the *Classification Assessment* to determine appropriate housing, bed, work, education, and program assignments with the goal of keeping separate those inmates or CCAP probationers/parolees at high risk of being sexually victimized from those at high risk of being sexually abusive. (§115.42[a], §115.242[a])



- a. Staff will make an individualized determination on how to ensure the safety of each inmate or CCAP probationer/parolee. (§115.42[b], §115.242[b])
- b. When deciding whether to assign a transgender or intersex inmate or CCAP probationer/parolee to a male or female facility and when making other housing and programming assignments, staff will take into consideration whether an assignment would ensure the inmate's or CCAP probationer's/parolee's health and safety, and whether the assignment would present management or security problems. (§115.42[c], §115.242[c])
 - i. A transgender or intersex inmate's or CCAP probationer's/parolee's own views with respect to their own safety will be given serious consideration. (§115.42[e], §115.242[d])
 - ii. Lesbian, gay, bisexual, transgender, or intersex inmates and CCAP probationers/parolees will not be placed in a dedicated facility, housing unit, or wing based solely on their identification or status. (§115.42[g], §115.242[f])
 - iii. Transgender and intersex inmates and CCAP probationers/parolees must be given the opportunity to shower separately from others. (§115.42[f], §115.242[e])
 - iv. The Gender Dysphoria Committee will make all specialized decisions when providing inmates and CCAP probationers/parolees who are transgender, intersex or diagnosed with Gender Dysphoria with specific individual accommodations.
3. Staff, in institutions, must reassess each transgender and intersex inmate's housing and programming assignments at least twice each year to review any threats to safety the inmate experienced. (§115.42[d])
 - a. The Institutional Program Manager (IPM) or designated staff at institutions without an IPM will print the *Facility Offender Alert* custom report from VACORIS in January and July to ensure staff complete the six month housing and programs reassessment for all transgender and intersex inmates.
 - b. The staff member must meet with the inmate to discuss their housing and program needs and verify their current assignments are still appropriate.
 - c. The staff member will place a note in VACORIS stating the "six month housing and program assignment reassessment completed" and documenting any necessary changes made to the inmate's housing and programs.
 - d. The IPM or designated staff member will refer the inmate to a ~~Psychology Associate~~ **Mental Health Clinician** for follow-up, as needed. (changed 1/3/23)
 - e. Staff must complete all reassessments the last day of January and July.

E. Management of Sexual Aggressors

1. Any inmate or CCAP probationer/parolee designated as a High Risk Sexual Aggressor (HRSA) will be referred to a ~~Psychology Associate~~ **Mental Health Clinician** for assessment and follow-up; see Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*. (changed 1/3/23)
 - a. A ~~Psychology Associate~~ **Mental Health Clinician** will follow-up annually with each inmate and CCAP probationer/parolee designated as a HRSA to monitor and assess their current level of functioning, risks, and needs. (changed 1/3/23)
 - b. A ~~Psychology Associate~~ **Mental Health Clinician** will reassess an inmate's or CCAP probationer's/parolee's risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that impacts the inmate's or CCAP probationer's/parolee's risk of sexual abusiveness. (changed 1/3/23)
 - c. The ~~Psychology Associate~~ **Mental Health Clinician** will meet with the inmate or CCAP probationer/parolee upon their request, upon referral by the staff, and/or annually to offer available services, encourage participation in relevant programming, and monitor progress for a period of not less than one year. (changed 1/3/23)

2. An aggressor legally convicted of a sexual assault while incarcerated will be considered a sex offender by statute and subject to the requirement of the Sex Offender Registry; see Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registry*.
3. Staff should provide inmates convicted of sexual assault the opportunity to participate in sex offender treatment programs, consistent with resource availability and facility security considerations; see Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*.

III. Detection and Reporting

A. Inmate and CCAP Probationer/Parolee Responsibilities

1. Inmates and CCAP probationers/parolees can report sexual abuse and sexual harassment, inmate and CCAP probationer/parolee retaliation for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any staff member including chaplains, medical, mental health or counseling staff, security staff, or administrators. (5-ACI-3D-15, §115.51[a], §115.251[a])
 - a. Any inmate or CCAP probationer/parolee who is sexually assaulted should immediately notify staff that the sexual assault occurred.
 - b. Any inmate or CCAP probationer/parolee who observes, is involved in, or has any knowledge or suspicion of a sexual assault or an unauthorized relationship should immediately notify staff.
 - c. Inmates and CCAP probationers/parolees will not be required to report sexual assault to the immediate point-of-contact line officer only; an inmate or CCAP probationer/parolee may report a sexual assault to any staff member using any available method to include: (§115.51[a], §115.251[a])
 - i. Verbally in person to a staff member or through another third party who can assist the inmate or CCAP probationer/parolee in filing requests for administrative remedies
 - ii. Verbally through the inmate and CCAP probationer/parolee telephone system sexual assault hotline number #55
 - iii. Written using a *Facility Request 801_F3* or other type of written document; see Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*.
 - (a) Inmates can submit a written report through the Offender Grievance Procedure using the *Written Complaint 866_F3*, *Regular Grievance 866_F1*, or *Emergency Grievance 866_F4*; see Operating Procedure 866.1, *Offender Grievance Procedure*.
 - (b) CCAP probationers/parolees can submit a written report through the complaint process; see *Offender Complaints, Community Corrections*.
 - d. There is no time limit on when an inmate or CCAP probationer/parolee may submit a *Complaint*, *Written Complaint*, or *Regular Grievance*, regarding an allegation of sexual abuse; see Operating Procedure 866.1, *Offender Grievance Procedure* and Operating Procedure 866.2, *Offender Complaints, Community Corrections*. (§115.52[b], §115.252[b])
2. Third parties including other inmates, CCAP probationers/parolees, staff members, family members, attorneys, and outside advocates are permitted to assist an inmate and CCAP probationer/parolee in filing their request for an administrative remedy relating to allegations of sexual abuse. (5-ACI-3D-15; §115.52[e], §115.54, §115.252[e], §115.254)
 - a. Third parties are also permitted to file such requests on behalf of an inmate or CCAP probationer/parolee.
 - i. If a third party files such a request on behalf of an inmate or CCAP probationer/parolee, the alleged victim must agree to have the request filed on their behalf, as a condition of processing the request. The alleged victim will also be required to pursue personally any subsequent steps in the administrative remedy process.
 - ii. If the inmate or CCAP probationer/parolee declines to have the request processed on their behalf, staff must document the inmate's or CCAP probationer's/parolee's decision.



- b. The DOC public web site provides contact information on how to report sexual abuse and sexual harassment on behalf of an inmate or CCAP probationer/parolee. (§115.54, §115.254)
 3. Inmates and CCAP probationers/parolees can choose to report sexual abuse and sexual harassment to an advocate with the Action Alliance, a non-DOC organization, who is able to receive, and immediately forward inmate and CCAP probationer/parolee reports of sexual abuse and sexual harassment to the DOC while allowing the inmate or CCAP probationer/parolee to remain anonymous upon request. (§115.51[b], §115.251[b])
 - a. Inmates and CCAP probationers/parolees can contact an advocate with Action Alliance through the inmate and CCAP probationer/parolee telephone system, sexual assault hotline Number #55, Option 2. These calls are confidential and DOC does not have access to the recordings.
 - b. Inmates and CCAP probationers/parolees can anonymously report sexual abuse and sexual harassment by writing directly to the Action Alliance at P.O. Box 17115, Richmond, Virginia 23226.
 4. Any inmate or CCAP probationer/parolee who makes a report of inmate or CCAP probationer/parolee-on-inmate or CCAP probationer/parolee sexual violence or staff sexual misconduct or harassment that is determined to be false may be charged with a disciplinary offense if it is determined in consultation with the Regional PREA Analyst that the report was made in bad faith; see Operating Procedure 861.1, *Offender Discipline, Institutions* and Operating Procedure 940.4, *Community Corrections Alternative Program*. (§115.78[f], §115.278[f])
 - a. Staff will not charge inmates and CCAP probationers/parolees for reports of sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred.
 - b. Even if an investigation does not establish sufficient evidence to substantiate the allegation, reports of sexual abuse made in good faith will not constitute falsely reporting an incident or lying.
- B. Staff, Contractor, Volunteer, and Intern Responsibilities
1. When a staff member, contractor, volunteer, or intern learns that an inmate or CCAP probationer/parolee is subject to a substantial risk of imminent sexual abuse, the individual must notify their supervisor or the Shift Commander so that immediate action can be taken to protect the inmate or CCAP probationer/parolee. (§115.62, §115.262)
 2. Staff must accept all verbal and written reports made anonymously and from third parties alleging sexual assault and are required to promptly document verbal reports on an *Internal Incident Report* with PREA checked in the description field; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*. (§115.51[c], §115.251[c])
 3. Staff, Contractor, Volunteer, and Intern Duty to Report
 - a. Staff, contractors, volunteers, and interns must immediately report to their supervisor, or the Shift Commander any knowledge, suspicion, or information on the following incidents: (§115.61[a], §115.261[a])
 - i. Any incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the DOC
 - ii. Any incident of retaliation against staff, inmates, and CCAP probationers/parolees who reported sexual abuse or sexual harassment
 - iii. Any incident of staff neglect or violation of responsibilities that may have contributed to the sexual abuse, sexual harassment, or retaliation
 - b. Staff, when applicable, must submit an *Incident Report*; see Operating Procedure 038.1 *Reporting Serious or Unusual Incidents*.
 - c. If the alleged victim is under the age of 18, aged, incapacitated, or is an inmate or CCAP probationer/parolee receiving services from a Licensed DOC Mental Health Program, the Facility Unit Head, or Administrative Duty Officer in their absence, is required to report immediately any alleged abuse to the local Department of Social Services. (§115.61[d], §115.261[d])

- d. Apart from reporting to designated supervisors or officials, staff must not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in operating procedures, to make treatment, investigation, and other security and management decisions. (§115.61[b], §115.261[b])
 - e. Staff, contractors, volunteers, and interns can privately report the sexual abuse and sexual harassment of inmates and CCAP probationers/parolees through the established reporting hotline at 855-602-7001. (§115.51[d], §115.251[d])
4. Staff, contractors, volunteers, and interns must report to the supervisor, Organizational Unit Head, or Shift Commander any suspicion or knowledge of other staff, contractor, volunteer, or intern fraternization with inmates and CCAP probationers/parolees; see Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*.
 5. Staff, contractor, volunteers, and interns who receive an allegation that an inmate or CCAP probationer/parolee was sexually abused while confined at another facility, must notify the Facility Unit Head.
 - a. The Facility Unit Head will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. (§115.63[a], §115.263[a])
 - b. The Facility Unit Head must notify the head of the facility as soon as possible, but no later than 72 hours after receiving the allegation and will document that the notification was provided. (§115.63[b], §115.63[c], §115.263[b] §115.263[c])
 - c. The facility head or agency office that receives the notification is responsible for ensuring that the allegation is investigated in accordance with the requirements of the *Prison Rape Elimination Act National Standards*. (§115.63[d], §115.263[d])

IV. Response

- A. Each Facility Unit Head or designee will develop a written plan to coordinate the actions taken staff by first responders, medical practitioners, ~~Psychology Associates~~ **Mental Health Clinicians**, investigators, and facility leadership in response to a sexual abuse incident; see *Sexual Assault Response Checklist 038_F6*. (§115.65, §115.265) (changed 1/3/23)
- B. Staff Responsibilities
 1. Upon learning of an allegation that an inmate or CCAP probationer/parolee was sexually assaulted or abused, the first security staff member to respond to the report will be required to: (§115.64[a], §115.264[a])
 - a. Separate the alleged victim and abuser to ensure the victim's safety. (§115.82[b], §115.282[b])
 - b. Notify the Shift Commander; preserve and protect the crime scene until appropriate steps can be taken to collect any evidence.
 - c. Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, showering, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, when the abuse occurred within a time period that still allows for the collection of physical evidence.
 - d. Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, when the abuse occurred within a time period that still allows for the collection of physical evidence.
 2. If the first staff responder is not a security staff member, the non-security responder will notify the Shift Commander, ensure the victims safety, and request that the alleged victim not take any actions that could destroy physical evidence such as showering, eating, brushing teeth, or drinking until after evidence collection. (§115.64[b], §115.82[b], §115.264[b], §115.282[b])
 3. The Shift Commander will take action immediately or verify that action has been taken to protect all



physical evidence and the safety and welfare of the inmate or CCAP probationer/parolee; see Attachment 5, *Sexual Assault Victim Search/Evidence Collection Protocol*. The Shift Commander will:

- a. Ensure staff escort the victim immediately to the facility's medical unit area for examination, treatment, and evaluation; see *Standard Treatment Guidelines* and Operating Procedure 720.7, *Emergency Medical Equipment and Care*
 - i. If there are no qualified medical practitioners or ~~Psychology Associates~~ **Mental Health Clinicians** on duty at the time a report of sexual assault or sexual abuse is made, the Shift Commander must immediately notify the facilities' designated Medical Authority and ~~Psychology Associate~~ **Mental Health Clinician**. (§115.82[b], §115.282[b]) (changed 1/3/23)
 - ii. If there is indication of a recent sexual assault, the Shift Commander will ensure staff transport the victim to the local hospital for further treatment, examination, documentation, collection of a forensic evidence recovery kit (PERK), and testing for sexually transmitted diseases.
 - (a) With the victim's consent, the examination will include the collection of evidence from the victim, using a kit approved by the appropriate authority (PERK recommended).
 - (b) Although it is recommended that a PERK be used within 120 hours, a PERK should be used beyond that time when there is possibility of evidence remaining.
 - iii. Administrative staff must be careful not to impede an inmate's or CCAP probationers/parolees access to health care when needed.
 - b. Notify the Facility Unit Head, Administrative Duty Officer, PREA Compliance Manager, and the Investigator, immediately.
 - c. Contact the Special Investigation Unit (SIU), immediately; see Operating Procedure 030.4, *Special Investigations Unit*. A SIU Special Agent will ensure protocol is followed to investigate the sexual assault, abuse or misconduct.
 - d. Complete an *Incident Report* marked PREA and confidential for all recent sexual assaults occurring within the previous 120 hours.
 - e. Notify the Operations and Logistics Unit (OLU); notification to OLU will only include the statement "Alleged recent sexual assault at (facility name)."
 - i. If an *Incident Report* has been completed, the OLU should be provided with the *IR Number* from VACORIS.
 - ii. No additional information will be reported.
 - f. Notify the PREA/ADA Supervisor or Regional PREA Analyst.
 - g. Notify the ~~Psychology Associate~~ **Mental Health Clinician** for counseling and mental health service needs. (changed 1/3/23)
 - h. Ensure follow up medical treatment and mental health service needs are arranged.
4. The Investigator or Shift Commander in the absence of the Investigator will:
- a. Immediately question the victim to determine where and when the sexual assault occurred, the suspect(s) involved, and if facts warrant further investigation.
 - b. Ensure photographs are taken to document any physical evidence such as torn clothing, bruises, abrasions, etc.
 - c. Take necessary, appropriate action to preserve the physical and testimonial evidence until it is released to the responding SIU Agent.
 - d. Interview the victim upon their return from the hospital emergency room for protective custody needs.
5. While all available information must be gathered and confirmed, staff must not delay a medical assessment and physical evidence collection pending any investigation of the incident.
6. In order to protect any inmate or CCAP probationer/parolee involved, the Shift Commander may administratively reassign the victim and/or abuser temporarily to alternate housing; see Operating



Procedure 425.4, *Management of Bed and Cell Assignments (Restricted)* and Operating Procedure 940.4, *Community Corrections Alternative Program*.

V. PREA Investigations

- A. An administrative or criminal investigation, conducted as required by applicable PREA standards, must be completed and documented for all allegations of sexual abuse and sexual harassment. (5-ACI-3D-11; §115.22[a], §115.71[k], §115.222,[a], §115.271[k])
1. If the alleged abuser is staff, the Facility Unit Head or designee must reassign the staff member to a post with no direct contact with the alleged victim, suspend the staff member or place the staff member on pre-disciplinary leave with pay based on the circumstances or situation, pending completion of the investigation; see Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*.
 2. Upon receipt of an allegation of sexual abuse or sexual harassment, investigative staff will have 30 days to complete an administrative investigation into the allegation.
 - a. The Investigator or another staff member who received the required specialized training for sexual abuse investigations will conduct the initial investigation.
 - b. If the Investigator or trained staff member determine the investigation will not be completed within 30 days, they must contact the Regional PREA Analyst to discuss an extension.
 - c. When the Regional PREA Analyst determines that an extension is needed, the Investigator or trained staff member must provide periodic updates at an interval deemed appropriate by the Regional PREA Analyst.
 - d. If a determination is made that the sexual abuse allegation will be handled by SIU, the Investigator or trained staff member will notify the Regional PREA Analyst.
 3. Unless the Investigator quickly and definitively determines that the allegation is unfounded, allegations of sexual abuse or sexual harassment must be referred to SIU for investigation. The Investigator will document all such referrals. (§115.22[b], §115.222[b])
 - a. SIU Special Agents conduct all investigations into criminal behavior, procedural or administrative violations, and staff misconduct affecting the operations of the DOC; see Operating Procedure 030.4, *Special Investigations Unit*.
 - b. The Chief of SIU or designee will review the nature of the allegations received and determine if an SIU investigation is warranted.
 - c. During the investigation, staff will cooperate with SIU and the Investigator must make every effort to remain informed about the progress of the investigation. (§115.71[l], §115.271[l])
 - d. PREA Unit staff will assist SIU staff in determining the disposition of an allegation for criminal investigations.
 4. Investigative staff will follow Operating Procedure 030.4, *Special Investigations Unit*. (§115.22[d], §115.222[d])
 - a. All evidence collected at the facility and at the hospital, PERK, evidence collection, etc., must be handled in accordance with Operating Procedure 030.1, *Evidence Collection and Preservation*.
 - b. Investigations must be documented and recorded as required in Operating Procedure 030.4, *Special Investigations Unit*.
 5. Upon completion of the investigation, investigative staff must complete and submit a *PREA Investigative Report* 038_F9 to the facility PREA Compliance Manager who will review the *Investigative Report* and ensure that each required component of the *Investigative Report* is addressed.
 - a. The *Investigative Report* must include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and any investigative facts and findings. (§115.71[f(2)], §115.271[f(2)])

- b. The facility PREA Compliance Manager will complete a *PREA Investigative Report Checklist 038_F10*, and submit a copy of the *PREA Investigative Report 038_F9* and the *PREA Investigative Report Checklist* to the Facility Unit Head, Regional PREA Analyst, PREA/ADA Supervisor, and PREA Hotline Coordinator within seven working days.

B. Reporting to Inmates and CCAP Probationers/Parolees

1. Following an investigation into an inmate's or CCAP probationer's/parolee's allegation that they suffered sexual abuse or sexual harassment in a DOC facility, the PREA Compliance Manager or Investigator must inform the inmate or CCAP probationer/parolee whether the allegation was determined to be substantiated, unsubstantiated, or unfounded; see Attachment 3, *Response to PREA Allegation - Sample Letters*. (§115.73[a], §115.273[a])
 - a. Following the allegation that a staff member committed the sexual abuse, the PREA Compliance Manager or Investigator must subsequently inform the inmate or CCAP probationer/parolee when: (§115.73[c], §115.273[c])
 - i. The allegation is determined to be unfounded.
 - ii. The allegation is determined to be unsubstantiated.
 - iii. The staff member is no longer posted in the inmate's or CCAP probationer's/parolee's unit.
 - iv. The staff member is no longer employed at the facility.
 - v. The DOC learns the staff member was indicted on a charge related to sexual abuse within the facility.
 - vi. The DOC learns the staff member was convicted on a charge related to sexual abuse within the facility.
 - b. Following the allegation that another inmate or CCAP probationer/parolee committed the sexual abuse, the PREA Compliance Manager or Investigator must subsequently inform the alleged victim when: (§115.73[d], §115.273[d])
 - i. The allegation has been determined to be unfounded.
 - ii. The allegation has been determined to be unsubstantiated.
 - iii. The DOC learns the alleged abuser was indicted on a charge related to sexual abuse within the facility.
 - iv. The DOC learns that the alleged abuser was convicted on a charge related to sexual abuse within the facility.
 - c. The PREA Compliance Manager or Investigator must document all such notifications and attempted notifications and will send the notifications to the inmate or CCAP probationer/parolee in the same manner as legal correspondence; see Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence* for legal mail requirements. (§115.73[e], §115.273[e])
 - d. Any obligation to report under this standard terminates if the inmate or CCAP probationer/parolee is released from a DOC facility. (§115.73[f], §115.273[f])

VI. Victim Advocate/Emotional Support

- A. DOC staff will attempt to make available to the victim a victim advocate from a rape crisis center. (§115.21[d], §115.221[d])
 1. If a rape crisis center is not available to provide victim advocate services, staff must make available the services of a qualified staff member of the DOC or a qualified staff member from a community-based organization. (§115.21[d], §115.221[d])
 2. As requested by the victim, a victim advocate, qualified 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. (§115.21[e], §115.221[e])
 3. The qualified staff member or community-based organization staff member must be an individual who

has been screened for appropriateness to serve in this role and who has received education concerning sexual assault and forensic examination issues in general. (§115.21[h], §115.221[h])

B. Inmate and CCAP Probationer/Parolee Access to Free Outside Confidential Support Services

1. The DOC maintains a Memorandum of Understanding (MOU) with a community service provider to provide inmates and CCAP probationers/parolees with access to free confidential emotional support services related to sexual abuse. A copy of this MOU is available from the PREA/ADA Supervisor. (§115.53[c], §115.253[c])
2. Inmates and CCAP probationers/parolees should contact the PREA Compliance Manager, Unit Manager, or Mental Health staff to request information on accessing outside victim advocates for free emotional support services related to sexual abuse or the inmate and CCAP probationer/parolee may utilize the sexual abuse hotline (#55), option 2. (§115.53[a], §115.253[a])
3. Staff will inform inmates and CCAP probationers/parolees, prior to giving them access to free outside confidential support services, 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. (§115.53[b], §115.253[b])
4. The facility will enable reasonable communication between inmates and CCAP probationers/parolees and these organizations and agencies, in as confidential a manner as possible. (§115.53[a], §115.253[a])

VII. Protection against Retaliation

- A. All staff, inmates, and CCAP probationers/parolees who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations will be protected from retaliation by other staff, inmates, and CCAP probationers/parolees. (§115.67[a], §115.267[a])**
1. Staff, inmates, and CCAP probationers/parolees can report allegations of retaliation through the same methods used for reporting sexual abuse or sexual harassment.
 2. The Investigator or other staff member with specialized training must investigate allegations of retaliation in the same manner as allegations of sexual abuse.
- B. Multiple measures are available to protect staff, inmates, and CCAP probationers/parolees from retaliation; such measures include housing changes or transfers for inmate and CCAP probationer/parolee victims or abusers, removal of alleged staff or inmate and CCAP probationer/parolee abusers from contact with victims, and emotional support services for staff, inmates and CCAP probationers/parolees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (§115.67[b], §115.267[b])**
1. For at least 90 days following a report of sexual abuse, the PREA Compliance Manager or other designated staff member will monitor the conduct and treatment of staff, inmates, and CCAP probationers/parolees who reported sexual abuse or cooperated with a sexual abuse investigation, and of inmates and CCAP probationers/parolees who were reported to have suffered sexual abuse to determine if there are changes that may suggest possible retaliation by staff, inmates, and CCAP probationers/parolees, and will act promptly to remedy any such retaliation. (§115.67[a], §115.67[c], §115.267[a], §115.267[c])
 - a. Items to be monitored include any inmate or CCAP probationer/parolee disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
 - b. The PREA Compliance Manager must continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
 2. In the case of inmates and CCAP probationers/parolees, such monitoring will also include periodic status checks. (§115.67[d], §115.267[d])
 3. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Facility

Unit Head must take appropriate measures to protect that individual against retaliation. (§115.67[e], §115.267[e])

4. The obligation to monitor for retaliation terminates if the investigation determines that the allegation is unfounded. (§115.67[f], §115.267[f])

VIII. Data Collection, Review and Corrective Action

A. DOC staff collects accurate, uniform data on every allegation of sexual abuse at facilities under the direct control of the DOC using a standardized instrument and set of definitions. (§115.87[a], §115.287[a])

1. DOC staff aggregates the incident-based sexual abuse data at least annually. (§115.87[b], §115.287[b])
2. The incident-based data collected includes, 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 (DOJ). (§115.87[c], §115.287[c])

B. Data Collection

1. DOC staff maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. (§115.87[d], §115.287[d])

a. Staff will conduct a PREA incident review and complete a *PREA Report of Incident Review 038_F11* for all substantiated and unsubstantiated sexual abuse investigations and substantiated sexual harassment investigations; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*. (§115.86[a], §115.286[a])

- i. A PREA incident review is not required when an allegation of sexual abuse is determined to be unfounded after PREA investigation is completed.
- ii. A PREA incident review is not required when an allegation of sexual harassment is determined to be unsubstantiated or unfounded.

b. Staff must complete all sexual abuse incident reviews within 14 calendar days of completion of the investigation. The PREA Compliance Manager must notify the Regional PREA Analyst when the *PREA Report of Incident Review 038_F11* will not be completed within 14 calendar days.

c. The PREA Compliance Manager will submit the completed *PREA Report of Incident Review 038_F11* to the Regional Office. Prior to submission to the Regional Office, the *PREA Report of Incident Review* must be forwarded to the Regional PREA Analyst for review and approval.

2. Incident-based and aggregated data is collected from every private facility with which the DOC contracts for the confinement of inmates and CCAP probationers/parolees. (§115.87[e], §115.287[e])

3. Upon request, DOC staff will provide all such data from the previous calendar year to the Department of Justice no later than June 30. (§115.87[f], §115.287[f])

C. Data Review for Corrective Action

1. DOC staff reviews collected and aggregated data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, by: (§115.88[a], §115.288[a])

- a. Identifying problem areas
- b. Taking corrective action on an ongoing basis
- c. Preparing an annual report of its findings and corrective actions for the DOC as a whole and each facility

2. The annual report will include a comparison of the current year's data and corrective actions with the data and corrective action plans from prior years as well as an assessment of the DOC's progress in addressing sexual abuse. (§115.88[b], §115.288[b])

- a. The report must be made readily available to the public through the DOC Public website. The



PREA/ADA Supervisor and the Director must review and approve the annual report before publically posting it. (§115.88[c], §115.288[c])

- b. Staff may redact specific material from the annual report, when publication of the redact material would present a clear and specific threat to the safety and security of a facility. If material is redacted, staff must indicate in the report the nature of the redacted material. (§115.88[d], §115.288[d])

D. Data Storage, Publication, and Destruction

1. The Organizational Unit Head must ensure that all case records associated with claims of sexual abuse or sexual harassment are retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Case records will include but is not limited to the following: (5-ACI-3D-16; §115.71[i], §115.271[i])
 - a. *Incident Reports*
 - b. *Investigative Reports*
 - c. *Inmate and CCAP Probationer/Parolee Information*
 - d. *Case Disposition*
 - e. *Medical and Counseling Evaluation Findings*
 - f. *Post-Release Treatment or Counseling Recommendations*
2. Staff must securely retain all data collected on allegations of sexual abuse at DOC facilities. (§115.89[a], §115.289[a])
 - a. Staff will make sexual abuse aggregated data from DOC facilities and contract facilities readily available to the public at least annually through the DOC Public website. (§115.89[b], §115.289[b])
 - b. Before making sexual abuse aggregated data publicly available, staff must remove all personal identifiers. (§115.89[c], §115.289[c])
3. Staff must maintain all sexual abuse data for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. (§115.89[d], §115.289[d])

REFERENCES

28 CFR Part 115, *Prison Rape Elimination Act National Standards*

28 CFR 35.164, *Nondiscrimination on the Basis of Disability in State and Local Government Services, Duties*

34 U.S.C., Chapter 303, *Prison Rape Elimination*

34 U.S.C. §30309, *Definitions*

COV §18.2-61, *Rape*

COV §18.2-64.2, *Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or post trial offender: penalty*

COV §18.2-67.4, *Sexual battery*

COV §18.2-67.10, *General definitions*

COV §53.1-67.9, *Establishment of community corrections alternative program: supervision upon completion Standard Treatment Guidelines*

Operating Procedure 027.1, *Volunteer and Internship Program*

Operating Procedure 030.1, *Evidence Collection and Preservation*

Operating Procedure 030.4, *Special Investigations Unit*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 102.3, *Background Investigation Program*



[Operating Procedure 102.6, *Staff Orientation*](#)
[Operating Procedure 135.1, *Standards of Conduct*](#)
[Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*](#)
[Operating Procedure 135.3, *Standards of Ethics and Conflict of Interest*](#)
[Operating Procedure 260.1, *Procurement of Goods and Services*](#)
[Operating Procedure 350.2, *Training and Development*](#)
[Operating Procedure 425.4, *Management of Bed and Cell Assignments* \(Restricted\)
\[Operating Procedure 720.7, *Emergency Medical Equipment and Care*\]\(#\)
\[Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*\]\(#\)
\[Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registry*\]\(#\)
\[Operating Procedure 735.2, *Sex Offender Treatment Services \\(Institutions\\)*\]\(#\)
\[Operating Procedure 801.3, *Managing Offenders with Disabilities*\]\(#\)
\[Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*\]\(#\)
\[Operating Procedure 801.7, *Language Services for Limited English Proficiency*\]\(#\)
\[Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*\]\(#\)
\[Operating Procedure 810.1, *Inmate Reception and Classification*\]\(#\)
\[Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*\]\(#\)
\[Operating Procedure 861.1, *Offender Discipline, Institutions*\]\(#\)
\[Operating Procedure 866.1, *Offender Grievance Procedure*\]\(#\)
\[Operating Procedure 866.2, *Offender Complaints, Community Corrections*\]\(#\)
\[Operating Procedure 940.4, *Community Corrections Alternative Program*\]\(#\)](#)

ATTACHMENTS

[Attachment 1E, *Zero Tolerance for Sexual Abuse and Sexual Harassment*](#)
[Attachment 1H, *Zero Tolerance for Sexual Abuse and Sexual Harassment* \(Hearing Impaired\)
\[Attachment 1S, *Zero Tolerance for Sexual Abuse and Sexual Harassment* \\(Spanish\\)
\\[Attachment 2a, *Preventing Sexual Abuse & Sexual Assault - Trainer Outline \\\(Intake\\\)*\\]\\(#\\)
\\[Attachment 2b, *Preventing Sexual Abuse & Sexual Assault - Trainer Outline \\\(Comprehensive\\\)*\\]\\(#\\)
\\[Attachment 3, *Response to PREA Allegation - Sample Letters*\\]\\(#\\)
\\[Attachment 4, *A Guide to Maintaining Appropriate Boundaries with Inmates or CCAP Probationers/Parolees*\\]\\(#\\)
\\[Attachment 5, *Sexual Assault Victim Search/Evidence Collection Protocol*\\]\\(#\\)
\\[Attachment 6, *Prison Rape Elimination Act \\\(PREA\\\) Training Acknowledgement*\\]\\(#\\)\]\(#\)](#)

FORM CITATIONS

[*Preventing Sexual Abuse and Assault Training Acknowledgement* 038_F4 *Spanish* 038_F4S](#)
[*Sexual Assault Response Checklist* 038_F6](#)
[*PREA Investigative Report* 038_F9](#)
[*PREA Investigative Report Checklist* 038_F10](#)
[*PREA Report of Incident Review* 038_F11](#)
[*Facility Request* 801_F3](#)
[*Regular Grievance* 866_F1](#)



[Written Complaint 866 F3](#)

[Emergency Grievance 866 F4](#)



RED FLAGS

There are numerous 'red flags' that you as a contractor or volunteer should look out for when working for the VADOC:

- Overly friendly staff or inmates/probationers.
- Inmates/probationers that are on a first name basis with staff, contract staff or volunteers or the exchange of personal information between the two.
- Staff disappearing for long periods of time, showing up early or staying late.
- Inmates/probationers accepting gifts from staff.
- Staff, contract staff or volunteers showing favoritism towards an inmate/probationer.
- Staff, contract staff or volunteers in close proximity to or engaging in inappropriate touching with inmates/probationers.

PREVENTION

Here are a few preventative strategies to maintain professionalism and avoid inappropriate relationships with an inmate or probationer:

- Focus attention to work related assignments and duties.
- Be aware of your surroundings and stay alert.
- Steer clear of areas with minimal or no supervision.
- Do not accept gifts, favors, phone calls, cards or letters from inmates/probationers.
- Avoid flirtatious behavior.
- Avoid jokes/comments that could be interpreted as sexual in nature.
- Avoid the consumption or accepting of alcoholic beverages or drugs.
- Maintain professional boundaries at all times.

A DUTY TO REPORT

As a valued contractor or volunteer of the Virginia Department of Corrections, you have a duty to report any knowledge of allegations or incidences of sexual abuse, sexual harassment or sexual misconduct. This includes information received from a third party or through personal observations.

If a VADOC employee, contractor or volunteer engages in sexual relations and/or sexually harasses an inmate or probationer, that employee, contractor or volunteer is subject to termination as well as criminal prosecution. The VADOC will ensure that all employees, contractors, volunteers and inmates are free from retaliation for reporting such behaviors.

RESOURCES

If you have general questions, please contact the PREA Unit:

Tammy Barbetto, PREA Supervisor
Tammy.Barbetto@vadoc.virginia.gov

Joseph Allotey, Central Region
Joseph.Allotey@vadoc.virginia.gov

Maria Kokoris, Eastern Region
Maria.Kokoris@vadoc.virginia.gov

Misty Counts, Western Region
Misty.Counts@vadoc.virginia.gov

Confidential Reporting Hotline

1-855-602-7001

VIRGINIA DEPARTMENT OF CORRECTIONS

A Guide to Maintaining Appropriate Boundaries with Inmates or CCAP Probationers/Parolees



For Contractors and Volunteers of the Virginia Department of Corrections

PRISON RAPE ELIMINATION ACT: DETECTING, REPORTING, PREVENTING

The Prison Rape Elimination Act (PREA) of 2003 was enacted by Congress to address the need to protect those who are under the supervision of a U. S. Correctional Agency from sexual abuse and/or sexual harassment.



POLICY

In response to the Prison Rape Elimination Act of 2003, the Virginia Department of Corrections (VADOC) is committed to and has adopted a **ZERO-TOLERANCE** standard for sexual abuse and/or sexual harassment of inmates or probationers by all staff including contractors/volunteers and other inmates. The VADOC strives to cultivate an environment where employees, as well as inmates, regardless of age, race, gender or sex are both safe and free from any type of sexual related misconduct.

To comply with PREA Standard §115.32, all contractors and volunteers with the DOC who have contact (or could have contact with inmates/probationers shall be trained on their responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of inmates and probationers as outlined in Operating Procedure 038.3 *Prison Rape Elimination Act (PREA)*. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates/probationers as follows:

Level 1 - Contractor/Volunteer does not have any contact with inmates/probationers. Contractor or volunteer shall receive a minimal amount of training on responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of inmates and probationers. Such training shall include: review of Operating Procedure 038.3 *Prison Rape Elimination Act (PREA)*. Contractor/Volunteer shall sign certifying their understanding of the material presented.

Level 2 - Contractor/Volunteer job functions do not require contact with inmates/probationers but the possibility for contact exists. Contractor/Volunteer shall receive a median amount of training on responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of inmates and probationers. Such training shall include: review of Operating Procedure 038.3 *Prison Rape Elimination Act (PREA)*, a review of Operating Procedure 135.2 *Rules of Conduct Governing Employees Relationships With Offenders* and Introduction to PREA training (discussion of brochure). Contractor/Volunteer shall sign certifying their understanding of the material presented.

Level 3 - Contractor/Volunteer job functions require contact with inmates, contact with inmates/probationers is eminent. Contractor or volunteer shall receive the full training on responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of inmates and probationers. Such training shall include: Understanding of VADOC Operating Procedure 038.3 *Prison Rape Elimination Act (PREA)* and full PREA Training (the training provided to all new hires in our facilities). Contractor/Volunteer shall sign certifying their understanding of the material presented.





Virginia Department of Corrections

Human Resources

Operating Procedure 105.3

Non-Uniformed Employee Dress Code

Authority:

Directive 105, *Employee Uniforms and Identification Cards*

Effective Date: January 1, 2023

Amended:

Supersedes:

Operating Procedure 105.3, January 1, 2020

Access: Restricted Public Inmate

ACA/PREA Standards:

None

Content Owner:	Lucinda Childs-White Director of Human Resources	<i>Signature Copy on File</i>	9/6/22
		Signature	Date
Signatory:	Joseph W. Walters Deputy Director for Administration	<i>Signature Copy on File</i>	9/8/22
		Signature	Date
Signatory:	H. Scott Richeson Deputy Director of Programs, Education, & Reentry	<i>Signature Copy on File</i>	9/26/22
		Signature	Date
Signatory:	A. David Robinson Chief of Corrections Operations	<i>Signature Copy on File</i>	9/29/22
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Employee - A person who is paid by the Department of Corrections on an hourly, salaried, or contractual basis, or who is paid by another state agency or outside vendor for working in a position within DOC or in a position that supervises inmates or CCAP probationers/parolees.

Intern - An individual who is undergoing supervised practical training and is serving an internship to advance their area of study without compensation from the DOC; interns receiving compensation from the DOC are considered employees and will be managed in accordance with their employment status.

Official Visitor - A visitor who may be an employee of another agency or another DOC facility or unit, a private vendor, or an individual who is present for a purpose other than offender visitation.

Organizational Unit Head - The person occupying the highest position in a DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit e.g., Human Resources, Offender Management, Internal Audit.

Program Visitor - A citizen volunteer who provides a one-time, on call, or single task voluntary service.

Volunteer - Any citizen of the community who, of their own free will, provides goods or services to the DOC without any financial gain.



PURPOSE

This operating procedure provides guidelines to assist non-uniformed staff in presenting a professional appearance in support of the Department's Vision, Mission, and Values while representing the Department of Corrections (DOC).

PROCEDURE

- I. Positive Impressions
 - A. Each employee, intern, and volunteer is a representative of the DOC.
 - B. Whether it is daily interactions with co-workers or representing the DOC to the public, a professional and respectful demeanor and appearance are the expectation.
- II. Applicability
 - A. This operating procedure applies to all non-uniformed employees, interns, and volunteers representing the DOC at the DOC Headquarters, the Academy for Staff Development, a Regional Office, Facility, Probation and Parole Office, or representing the DOC to other agencies or the public.
 - B. Staff who are issued a uniform must comply with Operating Procedure 105.1, Employee Uniforms.
 - C. Operating Procedure 851.1, *Visiting Privileges*, governs inmate/probationer/parolee visitor attire.
 - D. At the discretion of the Organizational Unit Head or designee (generally Assistant Unit Head, Administrative Duty Officer, or Shift Commander), waivers to the requirements of this operating procedure may be granted to official visitors, program visitors, contractors, vendors, and others who will not have unescorted contact with inmates or probationers/parolees.
 - E. Employees and interns who are scheduled to attend meetings or events with persons from outside the DOC are required to dress in business attire commensurate with the occasion.
- III. Compliance
 - A. Compliance with these requirements is expected at all times an employee, intern, or volunteer is representing the DOC or participating in any DOC related activity.
 - B. Supervisors have discretion to occasionally relax the dress code for training, special work assignments, special occasions, fund raising events, and for personnel who work during weekends, holidays, and after normal business hours with no public contact.
 - C. Supervisors are accountable to ensure employee, volunteer, and intern compliance with these expectations.
- IV. Minimum Expectations for Employee, Intern, and Volunteer Appearance
 - A. Employees, interns, and volunteers are expected to be neat, clean, and dressed appropriately for the work setting.
 - B. The following indicate unacceptable appearance:
 - 1. Frayed, torn, ragged, soiled, or wrinkled clothing.
 - 2. Clothing that displays anything of an obscene or offensive nature.
 - 3. See-through, revealing, low-cut, or gaping clothing that reveal breasts, midriff, stomach, back, or undergarments.
 - 4. T-shirts, tank tops, halter tops, spaghetti straps (unless worn with a sweater or jacket), and midriff tops.
 - 5. Backless dresses, strapless dresses, and spaghetti-strap dresses (unless worn with a sweater or jacket).



6. Blue denim clothing or any clothing/attire similar to approved inmate or CCAP probationer/parolee wear.
7. Any type of shorts, such as cut-off shorts, Bermuda shorts, and short shorts.
8. Sweat shirts, sweat pants, workout clothes, pajamas, and lounge wear.
9. Leggings unless covered by clothing that would be acceptable if the leggings were not being worn.
10. Camouflage clothing.
11. Bedroom slippers and flip-flops.

V. Secure Facilities

- A. Non-uniformed staff entering the security perimeter of a DOC facility are limited to one screw-on, clip-in, or post earring per ear not to exceed 6 mm or ¼ inch in diameter worn in the ear lobe only (no hoop type earrings or gauges/plugs/tapers/tunnels).
- B. Jewelry piercings or other ornamentation to or through visible areas of the skin (to include the tongue, lips, inside of the mouth, and other visible surfaces of the body) are prohibited in secure facilities.
- C. Handbags, wallets, electronic devices, and other items are limited when entering a secure facility; see Operating Procedure 445.1, *Screenings and Searches of Inmate and CCAP Probationer/Parolee Visitors*, and the *Allowable Personal Items List* attachment to that operating procedure for additional information.

VI. Probation and Parole Districts

- A. Staff in a Probation and Parole (P&P) Office are expected to comply with this operating procedure.
- B. Appropriate business attire is required for Court appearances and other professional settings.
- C. While making field visits, P&P staff should wear appropriate business casual attire such as denim (including blue), khaki-style, or cargo/BDU style pants that are not stained, frayed, torn, ragged, soiled, nor excessively tight.
- D. Blue jeans may be worn in the P&P Office only as incidental to departure for or return from field visits.

VII. Modifications During Emergencies and Other Unusual Events

During a declared State or National Emergency or other unusual events, the Director or designee may modify this operating procedure to include additional restrictions or requirements in the interest of public health and safety, including but not limited to requiring face coverings or other personal protective equipment be worn in the workplace and facial hair be trimmed or shaved to achieve a good face mask seal.

REFERENCES

[Operating Procedure 105.1, *Employee Uniforms*](#)

[Operating Procedure 445.1, *Screenings and Searches of Inmate and CCAP Probationer/Parolee Visitors*](#)

[Operating Procedure 851.1, *Visiting Privileges*](#)

ATTACHMENTS

None

FORM CITATIONS

None





Virginia Department of Corrections

Human Resources

Operating Procedure 135.2

Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees

Authority:

Directive 135, *DOC Expectations of Employees*

Effective Date: October 1, 2022

Amended:

Supersedes:

Operating Procedure 135.2, October 1, 2019

Access: Restricted Public Inmate

ACA/PREA Standards:

5-ACI-1C-09, 5-ACI-3D-08, 5-ACI-3D-14;
4-ACRS-6A-05; 4-APPFS-3C-02, 4-APPFS-3E-05;
2-CO-1C-11; §115.11, §115.67, §115.72, §115.76,
§115.77, §115.211, §115.267, §115.272, §115.276,
§115.277

Content Owner:	Luke E. Black Assistant Director of Human Resources	<i>Signature Copy on File</i>	7/15/22
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		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Abuse - The improper act or treatment of an individual that directly or indirectly causes physical, financial, mental, or emotional injury to the individual. Mental or emotional injury may be inferred by the nature and/or circumstances of the act

Fraternization - Employee association with inmates/probationers/parolees, their family members, or close friends of inmates/probationers/parolees, outside of employee job functions, that extends to unacceptable, unprofessional and prohibited behavior; examples include non-work related visits between inmates/probationers/parolees and employees, non-work related relationships with family members or close friends of inmates/probationers/parolees, connections on social media, discussing employee personal matters (marriage, children, work, etc.) with inmates/probationers/parolees, and engaging in romantic or sexual relationships with inmates/probationers/parolees.

Hazing - Oppression, punishment or harassment by forcing or requiring performance of unnecessary work or disciplining by means of horseplay, practical jokes and tricks, often in the nature of humiliating or painful ordeals.
(2-CI-5A-2)

Healing Environment - A work environment purposefully created by the way we work together and treat each other, encouraging all to use their initiative to make positive, progressive changes to improve lives. It is safe, respectful, and ethical where people are both supported and challenged to be accountable for their actions.

Inmate and Probationer/Parolee - A person who is serving a state responsible sentence or under community supervision with the Virginia Department of Corrections or other release authority.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate/probationer/parolee or an employee by an employee, volunteer, contractor, visitor, or agency representative; this includes but is not limited to acts or attempts to commit such acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity, and unreasonable invasion of privacy. Sexual misconduct includes but is not limited to conversations or correspondence that suggests a sexual relationship between an inmate/probationer/parolee and any party mentioned above. A violation of Operating Procedure 135.3, *Standards of Ethics and Conflict of Interest*, relating to consensual personal relationships/sexual harassment in the workplace may also constitute sexual misconduct.

Work Release Employee - A person employed by the Department of Corrections as either a wage employee or through a staffing agency while incarcerated, including home electronic monitoring, in a Virginia Department of Corrections or local jail facility.



PURPOSE

This operating procedure establishes rules of conduct that employees will observe when interacting with inmates and probationers/parolees under the direct supervision of the Virginia Department of Corrections (DOC). The procedure also provides guidance to prevent the abuse of inmates and probationers/parolees.

PROCEDURE

- I. Applicability
 - A. All persons who are paid by the DOC on an hourly, salaried, or contractual basis, or who are paid by another state agency for working in a position within a DOC unit, and volunteers who provide services to inmates and probationers/parolees are expected to provide a positive role model for inmates and probationers/parolees, and a safe, secure, healing environment for employees, inmates and probationers/parolees by acting in accordance with this operating procedure.
 - B. The Organizational Unit Head will ensure compliance and enforcement of this operating procedure at the unit level.
 - C. Attachment 1 of this operating procedure, *Fraternization Awareness and Prevention*, should be provided to all new employees, volunteers, contract workers, and others who may have recurring contact with inmates and probationers/parolees.
- II. Professional Conduct
 - A. Employees of the DOC will exercise professional conduct when dealing with inmates or probationers/parolees to ensure the security and integrity of the correctional process and to promote a Healing Environment within the DOC. Employees are expected to model the Healing Environment in order to promote positive growth for staff, inmates, and probationers/parolees and create a culture that supports re-entry and public safety.
 - B. Abuse of Employment Status - Employees will not use their official status as employees of the DOC as a means to establish social interactions or business relationships not directly related to DOC business. (4-APPFS-3C-02)
 - C. Vigilance
 1. Employees are expected to be alert to detect and prevent escapes from custody or supervision, or violations of DOC operating procedures.
 2. Observed incidents or suspicions of planned incidents must be reported to the employee's supervisor or the appropriate officer in accordance with established procedures.
 - D. Professional Appearance
 1. All employees should maintain a professional appearance and demeanor at all times and avoid actions or behaviors that could lead to the perception of fraternization or indicate an inappropriate relationship.
 2. See Attachment 1, *Fraternization Awareness & Prevention*, for examples of “red flags” or behaviors that could signal inappropriate boundaries or relationships between employees, inmates, and probationers/parolees.
 - E. Confidential Information
 1. Information pertaining to the record, offense, personal history, medical or mental health information, or private affairs of inmates and probationers/parolees is for official use only.
 2. Employees will seek to obtain such information only as needed for the performance of official DOC duties, will not access or discuss such information except as required in the performance of official duties, and will take necessary precautions to protect the security and confidentiality of inmate and probationer/parolee records and information; see Operating Procedures 050.1, *Offender Records*



*Management, and 310.2, Information Technology Security.***F. Interactions**

1. While performing their job duties, employees must model a professional, healing, and supportive relationship when interacting with persons under DOC supervision, which involves respecting the rights of inmates and probationers/parolees as individuals, acting in a trustworthy and responsible manner, helping and supporting inmates, probationers/parolees, and other staff members to the extent possible and ensuring that the employee's conduct does not harm others.
2. Employees must work towards the goal of improved public safety and the successful transformation and reintegration of those entrusted to the Department's care, while maintaining a suitably professional detachment to ensure that personal and professional identities are not blurred.
3. Employees are encouraged to interact with inmates and probationers/parolees on an individual and professional level while maintaining and reinforcing appropriate professional boundaries to promote and accomplish DOC goals.

G. Interactions with co-workers who are ex-inmates or probationers/parolees

1. If the co-worker has been released from DOC custody or terminated from supervision, whichever occurs last, for more than 180 days, there are no restrictions on relationships with the individual that would not apply to all employees.
2. If the co-worker is known to be under DOC supervision or within 180 days following discharge from DOC custody or termination from supervision, whichever occurs last, interactions will be limited to appropriate professional boundaries and support as outlined below.
3. The same limitations apply to work release employees under the supervision of the General Services Unit at DOC Headquarters.
4. Professional relationships within appropriate boundaries may include:
 - a. Requests for assistance (such as needing an employment reference)
 - b. The inmate or probationer/parolee reporting re-entry progress to the employee
 - c. Casual, unplanned meetings with the inmate or probationer/parolee, close friends of the inmate or probationer/parolee, or members of the inmate's or probationer's/parolee's family that occur in public and where appropriate boundaries are maintained
 - d. Engaging in peer support activities such as going to an event or meeting
 - e. In all such situations, the employee must report such contact to their supervisor or Organizational Unit Head on the same or next business day.
5. If an employee does not know and reasonably should not have known that a co-worker is under DOC supervision or within 180 days following discharge from DOC custody or termination from supervision, whichever occurs last, the employee is not guilty of fraternization for relationships with the individual that would be appropriate for all employees.

H. Courtesy and Respect

1. At all times, employees should be respectful, polite, and courteous in their communication and interaction with inmates and probationers/parolees, as well as with citizens and other employees.
2. Such practices are primary factors in providing a Healing Environment for effectively engaging others, resolving issues, maintaining order, control, good discipline, and redirecting behavior to a more positive result.

I. Humane Treatment (5-ACI-3D-08; 2-CI-5A-2)

1. Inmates and probationers/parolees must be treated humanely.
2. Abuse or any form of corporal punishment or hazing is prohibited.



3. No profane, demeaning, indecent, insulting, threatening, harassing, or discriminatory conduct (verbal, written or physical) will be tolerated, including but not limited to abuses of authority, and derogatory language or actions that is based on race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, veteran status, or disability.
4. Outside of a clinical mental health or medical setting, gender neutral language is preferred when addressing or referring to inmates.

III. Sexual Misconduct

- A. The DOC has zero tolerance for all forms of sexual abuse and sexual harassment. See Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*, for additional information on preventing, detecting, and responding to such conduct. (§115.11[a], §115.211[a])
- B. Any behavior of a sexual nature between employees, contract employees, or volunteers and inmates or probationers/parolees, inmate's or probationer's/parolee's immediate family, or a close friend of the inmate or probationer/parolee is prohibited. (5-ACI-1C-09; 5-ACI-3D-14; 4-ACRS-6A-05, 4-APPFS-3C-02; 4-APPFS-3E-05; 2-CO-1C-11) Behavior of a sexual nature includes sexual abuse, sexual assault, sexual harassment, physical conduct of a sexual nature, sexual obscenity, and conversations or correspondence of an emotional, romantic, or intimate nature.
 1. Sexual misconduct will be treated as a Group III offense subject to disciplinary sanctions up to and including termination under Operating Procedure 135.1, *Standards of Conduct*. (§115.76[a], §115.276[a])
 2. Termination will be the presumptive disciplinary sanction for employees who have engaged in sexual abuse. (§115.76[b], §115.276[b])
 3. Disciplinary sanctions for violations of DOC 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. (§115.76[c], §115.276[c])
 4. All terminations for violations of DOC sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, must be reported to any relevant licensing bodies by the DOC PREA Coordinator, and to law enforcement agencies, unless the activity was clearly not criminal. (§115.76[d], §115.276[d])
 5. Any contractor or volunteer who engages in sexual abuse of inmates or probationers/parolees must be prohibited from contact with inmates or probationers/parolees and must be reported to any relevant licensing bodies by the DOC PREA Coordinator, and to law enforcement agencies, unless the activity was clearly not criminal. (§115.77[a], §115.277[a]) The DOC will take appropriate remedial measures, and will consider whether to prohibit further contact with inmates and probationers/parolees, in the case of any other violation of DOC sexual abuse or sexual harassment policies by a contractor or volunteer. (§115.77[b], §115.277[b])
 6. A preponderance of the evidence will be adequate in determining whether allegations of sexual abuse or sexual harassment are substantiated. (§115.72, §115.272)
- C. Carnal knowledge without the use of force, threat, or intimidation of an inmate or probationer/parolee by an employee, including a wage employee, contract employee, or volunteer in any relationship with an inmate or probationer/parolee is a Class 6 felony per COV §18.2-64.2, *Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender; penalty*. (5-ACI-3D-14; 4-4281-6)
- D. Sexual battery of an inmate or probationer/parolee by an employee, contract employee, or volunteer in any relationship with an inmate or probationer/parolee is a Class 1 misdemeanor per COV §18.2-67.4, *Sexual battery*. (5-ACI-3D-14, 4-4281-6)

IV. Improprieties - Non-Professional Association

A. Fraternalization

1. Except for preexisting relationships, see below, fraternization or non-professional relationships between employees and inmates and probationers/parolees are prohibited, including when the inmate or probationer/parolee is within 180 days following discharge from DOC custody or termination from supervision, whichever occurs last.
2. This action should normally be treated as a Group III offense under Operating Procedure 135.1, *Standards of Conduct*, unless surrounding circumstances and mitigating factors are present that warrant a reduction in the disciplinary action.
 - a. Professional relationships with appropriate boundaries may exist within this timeframe such as:
 - i. Calls for assistance, such as needing a reference.
 - ii. The inmate or probationer/parolee reporting re-entry progress to the employee.
 - iii. Incidental encounters between employees and inmates or probationers/parolees or members of the inmate's or probationer's/parolee's families that occur in a public setting where professional boundaries are maintained.
 - iv. Engaging in activities such as going to an event or meeting, directly related to the successful reentry of the inmate or probationer/parolee.
 - b. In all such situations, the employee must report such contact to their supervisor or Organizational Unit Head on the same or next business day.

B. Exception - Any family relationship or pre-existing non-professional relationship (established friendship, prior working relationship, neighbor, etc.) between employees and inmates or probationers/parolees, including when the inmate or probationer/parolee is within 180 days following their discharge from DOC custody or termination from supervision, whichever occurs last, must be reported to the Organizational Unit Head.

1. In consultation with the Regional Operations Chief, Chief of Corrections Operations, or appropriate Deputy Director, a decision will be made regarding future contact between the employee and the inmate or probationer/parolee, the inmate's or probationer's/parolee's family, and/or close friends of the inmate or probationer/parolee.
2. The Regional Operations Chief, Chief of Corrections Operations, or appropriate Deputy Director, dependent upon the employee's work location, has final authority in these matters.
3. The relationship and guidance on future contacts must be documented in VACORIS Case Notes.

C. Improprieties - Associations between staff and inmates or probationers/parolees that may compromise security, or undermine the employee's ability to carry out their responsibilities may be treated as a Group III offense under Operating Procedure 135.1, *Standards of Conduct*.

D. Special Privileges - Employees will not extend or promise an inmate or probationer/parolee special privileges or favors not available to all persons similarly supervised, except as provided for through official DOC channels.

E. Visitation

1. Non-job related visitations between employees and inmates or probationers/parolees, or families of inmates or probationers/parolees, are only permitted upon showing a good cause with the explicit written permission of the Regional Operations Chief of the region(s) involved, e.g., approved research as part of an educational program. The *Employee - Inmate or CCAP Probationer/Parolee - Visit Request* form 135_F10 will be used by employees to request such a visit.
2. The Chief of Corrections Operations or appropriate Deputy Director must also provide approval for employees in their units to participate in such visits.
3. Communication and Contact - As long as the inmate or probationer/parolee is under the custody, care,



or supervision of the DOC, any unexpected, incidental, non-work related contact with inmates and probationers/parolees or their families should be reported to the Organizational Unit Head promptly and documented in VACORIS *Case Notes*, as necessary.

F. Inmate and Probationer/Parolee Abuse Prevention

1. Any employee who physically or verbally abuses any inmate or probationer/parolee, or a supervisor who observes the behavior and fails to hold an employee responsible, may be subject to disciplinary action up to a Group III under Operating Procedure 135.1, *Standards of Conduct*. Unprofessional conduct, regardless of intent, that results in assault and/or battery of an inmate or probationer/parolee must be reported immediately to the Organizational Unit Head or Administrative Duty Officer.
2. No one will cause or permit any inmate or probationer/parolee to perform personal services for staff or any individual. Inmates and probationers/parolees may be required to clean and provide normal sanitary functions within the facility as a function of their assigned job. Neither inmates nor probationers/parolees will maintain or repair any employee's personal property, unless as a part of a program or activity that is otherwise approved by the DOC.
3. Physical contact with inmates or probationers/parolees must be conducted in a professional manner using the minimum amount of force necessary to provide appropriate apprehension, intervention, and control as needed to protect the inmate or probationer/parolee, staff, the general public, and to maintain a safe and secure environment.

V. Employee and Supervisory Reporting Responsibilities

- A. Failure to comply with the reporting requirements of this operating procedure will be considered a violation of Operating Procedure 135.1, *Employee Standards of Conduct*, and may be subject to disciplinary action up to and including termination.
- B. Employee Responsibilities - In addition to complying with the above procedures, employees have a continuing affirmative duty to disclose to their supervisors or other management officials any staff or inmate/probationer/parolee boundary violations and any conduct that violates this procedure or behavior that is inappropriate or compromises safety of staff, inmates, probationers/parolees, or the community. (4-APPFS-3E-05)
- C. Supervisory Responsibilities - Supervisors must notify the unit PREA Compliance Manager and ensure that all reports of violation of this operating procedure are forwarded to the Organizational Unit Head for investigation.
- D. The Organizational Unit Head will ensure that all allegations of staff sexual misconduct are reported to the Special Investigations Unit who will review all allegations of staff sexual misconduct and investigate as appropriate.
- E. All inmates or probationers/parolees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will be protected from retaliation by other inmates, probationers/parolees, or staff. (§115.67[a, c], §115.267[a, c])
 1. The Organizational Unit Head will designate appropriate staff to monitor the conduct and treatment of inmates, probationers/parolees, or staff who reported or cooperated with an investigation into sexual abuse or sexual harassment.
 - a. Designated staff will monitor for retaliation at least 90 days following the report to determine if there are changes that may suggest possible retaliation by inmates and probationers/parolees or staff.
 - b. If the initial monitoring indicates a continuing need, designated staff will continue monitoring beyond 90 days and notify the unit PREA Compliance Manager.
 2. Any employee or supervisor who witnesses or becomes aware of retaliation must immediately report the incident to their supervisor, the officer in charge, or the Organizational Unit Head, such incidents



must be investigated and reported to the unit PREA Compliance Manager.

REFERENCES

[COV §18.2-64.2, *Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender: penalty*](#)

[COV §18.2-67.4, *Sexual battery*](#)

[Operating Procedure 038.3, *Prison Rape Elimination Act \(PREA\)*](#)

[Operating Procedure 050.1, *Offender Records Management*](#)

[Operating Procedure 135.1, *Standards of Conduct*](#)

[Operating Procedure 310.2, *Information Technology Security*](#)

ATTACHMENTS

[Attachment 1, *Fraternization Awareness and Prevention*](#)

FORM CITATIONS

[Employee - Inmate or CCAP Probationer/Parolee - Visit Request 135_F10](#)



Allowable Personal Items List

This list applies to employees, volunteers, interns, and official visitors; see Operating Procedure 851.1, *Visiting Privileges*, for items allowed for inmate and Community Corrections Alternative Program (CCAP) probationer/parolee visitors.

Some items such as a coffee pot may not be appropriate for volunteers, interns, official visitors and other persons who may spend minimal time in the facility.

Employees, volunteers, interns, and official visitors must not take personal food items and drinks inside the facility perimeter unless the Headquarters Human Resources ADA Coordinator has determined that an accommodation is required and cannot be made any other way. A medical certification must accompany all written requests for medical accommodations.

Employees, volunteers, interns, and official visitors may take items purchased from vending machines inside the facility perimeter to their actual work area. In control rooms with electronic control panels there should be NO food or drinks allowed.

Only those employees listed on the *Authorized Cell Phone Positions* attachment to this operating procedure are approved to take their DOC issued cell phone into the secure perimeter.

FOOD ITEMS

These items must be run through the metal detector and x-ray machine (if available)

- **Coffee** - Vacuum sealed plastic container, brick or maximum 10 individual packs per day
- **Gum** - One unopened pack of gum
- **Hot Chocolate** - Dry mix only, factory sealed container, single serving, maximum five packs per day
- **Mints, Tums, or Roloids** - One unopened, small pack of only one item
- **Non-Dairy Creamer/Dairy Substitute** - One factory-sealed non-glass container or, with Facility Unit Head approval, one box of 24 individual serving size cups for areas that pool funds to purchase, or a maximum of 10 individual size cups for a person not pooling funds
- **Sugar** - Factory sealed five lbs. maximum for an area that pools funds to purchase or a maximum of 10 individual packs for a person not pooling funds. Sugar must be in a secured area at all times.
- **Sugar Substitute** - Dry only, factory sealed, non-glass container for areas that pool funds to purchase or a maximum of 10 individual packs for person not pooling funds.
- **Tea** - Small factory sealed box
- **Water Packets** - A small box of ten water-flavored packets

POCKETBOOKS/PURSE/TOTES - Approx. 12"x12" size of clear, see-through, pliable material CONTENTS

- **Brush/Comb/ Hair Pick** - One small, plastic only
- **Cash** - Maximum of \$20
- **Change Purse or Wallet** - Only one item
- **Chap Stick/Lipstick/ Lip Ointment** - Only one item
- **Contact Lenses/Case/Wetting Solution**
- **Eyeglasses and Sunglasses** - May have both with the cases
- **Facial Tissues**
- **Handkerchief**
- **Identification Card** - DOC authorized picture identification card
- **Keys** - Personal
- **Lotion** - Squeeze tube, maximum 3.4 oz.
- **Note Pad/Pen/Pencil**





- **Pager** - DOC issued for employee or contractor's pagers (cell phones, external data storage devices, i.e. palm pilots, jump/flash/zip drives are prohibited, except as authorized in Operating Procedure 310.2 *Information Technology Security*)
- **Sanitary Napkins/Tampons**

MISCELLANEOUS

- **Coffee Pot** - With glass carafe and an auto shut-off feature located in common areas where coffee pools exist. Prior to entry into the secure perimeter, the Facility Unit Head, Assistant Unit Head or Chief of Security must approve the request and the common area where the pot will be located.
- **Cup** - One plastic non-insulated empty cup per person
- **Hat/Head Covering**
- **Jewelry** - Uniformed employees must comply with Operating Procedure 105.1, *Employee Uniforms*, and non-uniformed employee must comply with Operating Procedure 105.3, *Non-uniformed Employee Dress Code*
- **Medication** - One-day dose of prescription medications in a container that is clearly marked with the employee's name and prescription sheet or bottle
- **Medication** - One-day dose of Over The Counter (OTC) medications in small individual packet
- **Picture Frames** - Wood and plastic with Plexiglas (no glass)
- **Shoes** - One pair of boots or walking shoes (non-security employee)
- **Overshoes** - During inclement weather
- **Umbrella** - Collapsible, tote-type

OFFICE RELATED MATERIALS

- **Briefcase or Portfolio** - Clear, must only contain work related items
- **Computer** - DOC issued laptop or tablet or as approved in accordance with other applicable DOC operating procedures.
- **Educational Material** - Relevant to position or service provided
- **Magazines** - Work-related
- **Music Devices** - Listening devices, except MP3 players such as iPod, limited to employee offices only
- **Office Products** - Pens, pencils, paper, folders, binders, etc.
- **Pamphlets** - Work-related
- **Plaques and Trophies** - Must be approved on individual basis by the Chief of Security





RESTRICTIONS

- The following items are prohibited:
 - Any item that appears to have been tampered with
 - Glass Containers.
 - MP3 players such as iPod
 - Wearable wireless devices that can be used to track one's activity such as "Fitbits"
 - Computerized watches that are enhanced, beyond timekeeping functionality, with a camera, phone, texting, internet, voice, or video recording and serve a similar purpose as a Personal Digital Assistant (PDA) device, i.e., Smart Watches
 - Personal Restraint Keys are prohibited
- The Facility Unit Head or designee must approve all electronic equipment prior to entry in the secure perimeter.
- When legitimacy of an article or package is in doubt, the item will be referred to the Facility Unit Head or Administrative Duty Officer (if the Facility Unit Head is unavailable) for approval or disapproval.

EXCEPTIONS

- Any exception to this list must be submitted in writing with justifications to the Facility Unit Head for final authorization.
- Medical certifications will be required with all medical related requests.



Prison Rape Elimination Act (PREA)



"Detecting, Reporting, Preventing"

1

What is PREA?

- Prison Rape Elimination Act
- Signed into law on September 4, 2003, by President George W. Bush
- Federal Standards were published on June 20, 2012.



2

Purpose of PREA

- Establishes a zero tolerance policy
- Makes prevention a top priority
- Develops national standards for the detection, prevention, and reduction of prison rape
- Standardizes definitions used for collecting data on the incidence of rape

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How Does PREA Affect You?

- PREA mandates apply to all VADOC institutions and community residential facilities and holds all VADOC staff, contractors and volunteers responsible for the detection, prevention and reporting of known and suspected occurrences of offender-on-offender sexual abuse, sexual assault and sexual harassment, and staff-on-offender sexual misconduct.

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How Does PREA Affect You?

- Virginia Department of Corrections has **ZERO** tolerance for offender on offender and/or staff-on-offender sexual misconduct or sexual harassment.

DOC's Zero Tolerance Policy prohibits any fraternization or sexual misconduct between staff/contractors/volunteers and offenders, or between offenders

- Everyone has a duty to report sexual misconduct.

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OP 135.2 Rules of Conduct Governing Employees Relationships with Offenders

- ▶ All persons who are paid by the Department of Corrections on an hourly, salaried, or contractual basis, or who are paid by another state agency for working in a position within a DOC Unit, and volunteers who provide services to offenders are expected to provide a safe, secure, and healing environment for employees and offenders by acting in accordance with this operating procedure to provide a positive role model for offenders.

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OP 135.2 Rules of Conduct Governing Employees Relationships with Offenders

- ▶ Employees of the DOC shall exercise a high level of professional conduct when dealing with offenders.
- ▶ While performing their job duties, employees are encouraged to interact with persons under DOC supervision on an individual and professional level to the extent necessary to further DOC goals. **Interactions shall be limited to the employee's assigned job duties.**

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OP 135.2 Rules of Conduct Governing Employees Relationships with Offenders

- ▶ At all times, employees should be respectful, polite, and courteous in their communication and interaction with offenders, as well as with citizens and other employees.
- ▶ Offenders shall be treated humanely. Any form of abuse is prohibited. No profane, demeaning, indecent, or insulting language, or words with racial, religious or ethnic connotations, shall be used.

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PREA and Fraternalization

- Fraternalization, which is defined in OP 130.1 as “employee association with offenders, or their family members, outside of employee job functions, that extends to unacceptable, unprofessional and prohibited behavior” can lead to a PREA related violation.
- Improprieties, fraternization, or other non-professional association by and between employees and offenders or families of offenders is prohibited.

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Consequences for a PREA Violation and/or Fraternalization

- **Criminal Charges**



Class 6 Felony – Carnal Knowledge, according to §18.2-64.2 of the *Code of Virginia*, includes the acts of sexual intercourse, cunnilingus, fellatio, anallingus, anal intercourse, and animate and inanimate object sexual penetration between an offender or probationer and staff (to include contractors and volunteers) in a custodial role.

Class 1 Misdemeanor – Sexual Battery §18.2-67.4 of the Code of Virginia

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Consequences for a PREA Violation and/or Fraternization

- **Termination** is the presumptive discipline for actually engaging in sexual abuse.

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Reporting

- You **MUST** immediately report to your supervisor or a member of the prison's/district's administration all known instances or suspicions of sexual abuse and sexual harassment of offenders and probationers, regardless of whether the alleged perpetrator is another offender or staff. The prison's administration, will ensure the report is forwarded to the prison's institutional investigator or the Department's Special Investigations Unit.
- You may anonymously report any known or suspected inappropriate relationships between staff and offenders or instances of staff sexual misconduct by calling **1-855-602-7001**.

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Reporting

- PREA, as well as Operating Procedure 038.3, specifically prohibits any type of retaliatory behavior, directed towards staff who report, by any other staff person.
- Failure to report may result in disciplinary action.



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Myths

Offenders consent to inappropriate relationships with staff.

- ▶ Due to the power inequality and custodial role DOC staff, contractors and volunteers have over offenders and/or probationers, offenders/probationers can **NEVER** consent to an inappropriate relationship with staff. It is a Class 6 felony in Virginia for any DOC staff member, contractor or volunteer to engage in sexual misconduct with an offender or probationer.

True False



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Myths

Offenders manipulate staff into inappropriate relationships.

- ▶ While some offenders may try to gain favors by exploiting certain staff members, it is **not the attempt** by the offender, but the **response of the staff member** that carries the consequences. Without exception, we are held to a higher standard than offenders because of our authority over the offenders in our facilities.

True False

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Myths

I don't need to report my suspicions or observations because someone else will.

- ▶ Many staff may suspect a problem, but fear being wrong, think it is none of their business, fail to recognize the signs of staff misconduct or fear retaliation. Therefore, it is imperative that you report your suspicions or direct observations because you cannot be sure someone else will.

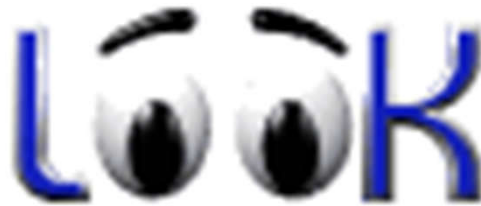
True False

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Detection Strategies

- ▶ The single most important thing you can do to detect threatened or actual sexual abuse or sexual assault within your facility is to be observant.



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Detection Strategies

- Watch offender/offender and staff/offender interactions carefully.
- Listen for key words or phrases that might indicate a problem.
- Determine whether the situation is “normal”.
- Ask questions when something doesn’t seem right.

18

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Avoiding Inappropriate Relationships with Offenders

- ▶ Adhere to the zero-tolerance policy of all inappropriate sexual conduct. This includes jokes, put downs, slang and name calling, and of course any sexual contact.
- ▶ Eliminate any appearance of permissive behavior or favoritism.
- ▶ Do not discuss your personal relationships or outside of work activities with or around the offenders.

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Avoiding Inappropriate Relationships with Offenders

- ▶ Maintain a professional relationship with the offenders and avoid even the appearance of over familiarity.
- ▶ Strictly adhere to and enforce rules regarding personal boundaries, dress and touching.
- ▶ Avoid one on one interactions with offenders.

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How to get you one...or four

will get a woman's attention, but you have to have something to say once you have her attention. A little charm, a little obnoxiousness.

Learn. Learn as much as you can about art, psychology, music. Have a place to stand on the same page.

Always say something. Even if it's "how you doin, mam'?" Always say something. That at least gets you noticed. Let them know that you notice them. Then when you have a chance to talk 1 on 1, she'll be interested in your "re you" stuff.

Women want validation. You don't have to agree with every word (you shouldn't listen before you speak, and speak when they aren't speaking).

Let them know you are safe with trusting you. Let them know that the only way you'll get in trouble is if you tell on her or if she tells on you. It doesn't matter what they think, it matters that they know you can keep your mouth shut and that you know you're playing for high stakes.

Be understanding and even compassionate. Take interest in her. Ask her about

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Questions/Concerns



Please remember to sign the form provided by your trainer certifying that you received PREA training and that you understand the training you have received.

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