

**PREA AUDIT REPORT     Interim  Final**  
**ADULT PRISONS & JAILS**

**Date of report:** August 9, 2017

<b>Auditor Information</b>			
<b>Auditor name:</b> Lawanda Long			
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<b>Email:</b> <a href="mailto:Lawandamlong@aol.com">Lawandamlong@aol.com</a>			
<b>Telephone number:</b> 434-594-5939			
<b>Date of facility visit:</b> July 7, 2017			
<b>Facility Information</b>			
<b>Facility name:</b> Charlotte County Jail			
<b>Facility physical address:</b> 222 Law Lane Charlotte Court House, Virginia 23923			
<b>Facility mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
Facility telephone number: (434) 542-5141			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Thomas Jones			
<b>Number of staff assigned to the facility in the last 12 months:</b> 6			
<b>Designed facility capacity:</b> 96			
<b>Current population of facility:</b> 67			
<b>Facility security levels/inmate custody levels:</b>			
<b>Age range of the population:</b> 20-40			
<b>Name of PREA Compliance Manager:</b> N/A		<b>Title:</b>	
<b>Email address:</b>		<b>Telephone number:</b>	
<b>Agency Information</b>			
<b>Name of agency:</b> Charlotte County Jail			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> Charlotte County Sheriff's Office			
<b>Physical address:</b> 222 Law Lane Charlotte Court House, Virginia 23923			
<b>Mailing address:</b> <i>(if different from above)</i> N/A			
<b>Telephone number:</b> (434) 542-5141			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Thomas Jones		<b>Title:</b> Sheriff	
<b>Email address:</b> tjones@cchsheriff.com		<b>Telephone number:</b> (434) 542-5141	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Melissa Tharpe		<b>Title:</b> Lieutenant	
<b>Email address:</b> mtharpe@cchsheriff.com		<b>Telephone number:</b> (434) 542-5141	

## AUDIT FINDINGS

### NARRATIVE

The Charlotte County Sheriff's Office contracted with LML Consulting Service, LLC to conduct a PREA audit at Charlotte County Jail. DOJ Certified auditor Lawanda Long was the identified auditor for this facility.

The facility was provided PREA audit notices to be posted where both staff and offenders could view the information. These were sent to the facility to be posted no later than May 26, 2017, which was 6 weeks prior to the audit. The facility provided a flash drive with required information and the Pre-audit Questionnaire prior to June 9, 2017. The auditor took time to review the material and contacted the facility prior to arrival with a list of documents that were to be prepared for viewing, including inmate rosters by housing unit, staff schedules for both shifts for the one (1) day on-site audit, a list of inmates identifying those with disabilities, Limited English proficiencies, LGBTI status, those with current allegations and prior reports of victimization. Additionally, the auditor provided an additional list of items needed on the first day of the audit.

Prior to the audit, the schedule for the audit was forwarded to the facility for review and feedback. There is only one building on the property to be toured. There are seven (7) housing units/cell blocks within the building.

The audit began at 8:00 A.M. on July 7, 2017 with a meeting between the auditor Captain B. Lockridge, Chief Deputy, and Lieutenant Melissa Tharpe, PREA Coordinator. The auditor introduced herself and presented a tentative schedule for the one (1) day on-site audit.

After the entrance meeting, the auditor reviewed all documents requested and selected the following specialized staff for interview: Upper Level Management staff, Medical Staff, Mental Health, Volunteer/Chaplain, Contractor/Food Service Staff, Intake Staff, Risk Screening Staff, Incident Review Staff, Agency Head Designee, Agency PREA Coordinator, Human Resources, Investigator and Retaliation Monitor Staff. The auditor then randomly selected seven (7) staff for interviews. The facility did not have any offenders that disclosed prior victimization, Limited English Proficient, were in segregation, LGBTI inmates, has a current allegation, or housed in segregation. The auditor did not receive any correspondence from inmate housed at Charlotte County Jail. Therefore, all ten (10) offenders selected for interview were randomly selected from each housing units/cell lock.

A tour of the facility followed the selection of interviewees. There is one main building on the property and within the secure perimeter of the facility. The auditor was provided access to view all areas of the building, including Housing Unit 1 – Male General Population with nine (9) beds, Housing Unit 2 – Male General Population with eight (8) beds, Housing Unit 3 – Male General Population with 8 beds, Housing Unit 4 – Male General Population with eight (8) beds, Housing Unit 5 – Female General Population with 10 beds, Housing Unit 6 – Male General Population with 4 beds, Housing Unit 7 – Work Release/Trustee with 24 beds, offices, medical area, recreational yards, multi-purpose area (intake, medical and magistrate), visitation, holding cells and control area. During the tour, the auditor observed Pre-audit notices posted in the housing units, as well as other areas where staff and inmates were able to view. The auditor conducted informal questioning with a number of staff during the tour.

There are sixteen (16) cameras throughout the facility. Access to cameras includes the control room deputy, Investigators, Sergeant, Lieutenant, Captain, and Sheriff. The phone system was also checked during the tour and spoke with Piedmont Crisis Center staff, an external agency who reported that emotional support services are available and that staff will report to Charlotte County Jail any allegations of sexual abuse with the consent of the offender.

The count on the day of the audit was sixty-seven (67); sixty-two (62) males and five (5) females.

### DESCRIPTION OF FACILITY CHARACTERISTICS

Charlotte County Jail is located at 222 Law Lane, Charlotte Court House, Virginia, 23923.

The Charlotte County Jail and Sheriff's Office are contained in a one-story brick building. There are a total of seven (7) Housing Units/Cell blocks and one (1) isolation cell, including the work release program. The Charlotte County Jail houses all classification levels of male and female inmates; pre-trial and post-trial inmates. The Charlotte County Sheriff's Office operates the Charlotte County Jail. The Chief Jailer reports directly to the Sheriff. The Charlotte County Jail staff includes one (1) Chief Jailer, one (1) Lieutenant, two (2) Sergeants and twelve (12) deputies.

The mission of the Charlotte County Sheriff's Office is to provide appropriate supervision of persons incarcerated in the jail, to meet their basic human needs, and when possible, to make available programs which will promote a positive attitudinal and behavioral climate in the jail. The primary goals of the Charlotte County Jail is to: protect the Commonwealth by safekeeping persons incarcerated in the jail; provide a safe and humane environment for both jail staff and inmates and to participate, whenever appropriate, in the discovery, prevention, and reduction of crime; enable the jail staff to develop and maintain a professional demeanor by providing

training in all phases of law enforcement on an ongoing basis; provide appropriate inmate programs which are beneficial to both the community and the participants; develop community involvement in, and increased public awareness of, the proper role and function of the jail; and to increase staff understanding and commitment to the jail's mission, goals, and objectives.

The Sheriff's Office is accredited by the Virginia Law Enforcement Professional Standards Commission (VLEPS).

The Charlotte County Jail received a compliance rating of 100% from the Virginia Department of Corrections' (DOC) for their annual Life, Health, and Safety (LHS) unannounced inspection in 2009, 2011, 2012, 2014, 2015, 2017 and the three year audits of 2010, 2013 and 2016. The Charlotte County Jail has nine consecutive 100% compliance ratings from the Virginia Department of Corrections.

## **SUMMARY OF AUDIT FINDINGS**

At the conclusion of the on-site audit, the auditor identified challenges with the following standard: 115.42. This was discussed with the leadership and the facility was given a date to have all information to the auditor. Prior to the finalization of this report, the facility provided documentation to the auditor regarding the above-mentioned standard. The facility implemented systems in order to meet the requirements of the standard.

After a review of the additional supplemental documents provided by the facility, this auditor has determined Charlotte County Jail is compliance with all the standards of the Prison Rape Elimination Act.

A sincere thank you goes to Lieutenant, Melissa Tharpe for her hard work and her quickness to locate and provide the auditor any documentation that was requested, as well as to ensure that the challenges identified during the on-site were quickly rectified.

Number of standards exceeded:2

Number of standards met: 37

Number of standards not met: 0

Number of standards not applicable: 4

### **Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): This policy outlines the implementation of the agency’s approach to preventing, detection, and responding to sexual abuse and sexual harassment. Charlotte County Jail prohibits and will not tolerate any fraternization or sexual misconduct by staff, contractors, or volunteers with offenders or between offenders as defined in this policy.

Melissa Tharpe, Lieutenant, serves as the facility PREA Coordinator. She reports directly to the Captain. In this position, she is responsible for coordinating the jail’s PREA efforts in conjunction with the requirements of the PREA standards, maintaining necessary documentation of PREA standard compliance efforts, acts as the primary jail contact for the PREA reporting, ensures compliance with all PREA related departmental, and/or governing authorities policies/procedures, and provides regular feedback to the Sheriff and Captain concerning policies, procedures, or practices that are not in compliance with PREA standards. The PREA Coordinator acknowledges she has sufficient time to manage her PREA responsibilities.

Both inmate and staff interviews indicate a facility-wide awareness of the agency’s zero tolerance policy regarding sexual abuse and sexual harassment.

Based on the information discovered in the agency’s policy, observations made during the onsite audit, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the above standard.

### **Standard 115.12 Contracting with other entities for the confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The facility provided a memo, dated April 30, 2017, which states “The Charlotte County Jail has not entered into nor renewed any contracts for the confinement of inmates after August 20, 2012 until the present time.”

Based on the information, the auditor has determined that this standard is Not Applicable.

### **Standard 115.13 Supervision and monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant

review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires Charlotte County Jail will develop, document, and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing to protect inmates against sexual abuse. If the staffing plan is not complied with, it will be documented and justified for all deviation from the plan.

Annually the Charlotte County Jail will assess, determine, and document whether adjustments are needed to the staffing plan, the video monitoring system and the resources that the jail has available to commit to the staffing plan.

The facility staffing plan (Post Audit) shows that there are currently 21 security post positions, which include one (1) Captain, one (1) Lieutenant, two (2) Sergeants, and seventeen (17) Deputies. The Captain and PREA Coordinator last reviewed the Post Audit in July of 2016. Deviations from the staffing plan are noted on the Daily Duty Roster; however, it is noted that there has never been a deviation that prevented the facility from meeting the requirements of staffing.

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires unannounced rounds be conducted throughout the jail will be made by a Sergeant, Lieutenant, and Captain and will occur on both day and night shifts to identify and deter staff sexual abuse and sexual harassment. Jail staff, to include supervisors is prohibited from notifying staff of unannounced rounds, unless it is related to operational functions. Unannounced rounds are to be documented in the Jail Daily Log.

A review of the Jail Daily Log samples provided by the facility of random dates for a one-year period confirms staff are conducting unannounced rounds daily and at least once on both shifts by a Sergeant or higher.

There are sixteen (16) cameras throughout the facility. Access to cameras includes the Deputies, Sergeants, Lieutenant, Captain, and Sheriff. A review of the cameras found that none of these cameras captures areas where inmates may be toileting, showering, changing clothing, or being searched.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined that the facility meets the requirements of the standard.

### **Standard 115.14 Youthful inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Addresses the housing and supervision of youthful offenders for the Jail. Youthful inmates will not be placed in a cell within sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. Staff will provide direct supervision of youthful inmates and adult inmates when the inmates are outside of the cell areas and have sight, sound, or physical contact with adult inmates. Charlotte County Jail will make the best efforts to avoid placing youthful inmates in isolation. Youthful inmates will be allowed daily large-muscle exercise and access to other programs and work opportunities to the extent

possible and absent of exigent circumstances.

Memo from PREA Coordinator Tharpe, dated April 30, 2017, states Charlotte County Jail has not housed any youthful inmates in the facility in the years of 2014, 2015, 2016 to the present date.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the standard is not applicable to this facility.

**Standard 115.15 Limits to cross-gender viewing and searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches (anal or genital opening). A staff member of the same sex will search and visually inspect every inmate upon being placed in population. Intersex, non-gender conforming and transgender inmate searches will be done in a professional and respectful manner consistent with security needs. Searches may be conducted by medical staff; by asking the inmate to identify the gender of staff with whom they would feel most comfortable conducting the search; in accordance with the inmate’s gender identity.

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Inmates will be able to shower, perform bodily functions and change clothes without nonmedical staff of the opposite sex viewing them, unless in exigent circumstances or when such viewing is incidental to routine cell checks. Under these circumstances staff of the opposite sex will “knock and announce” their presence before entering an inmate’s cell. Physical examinations or searches of a cross-gender or intersex inmate will not be done for the sole purpose of determining the inmate’s genital status. It may be determined during conversation, by viewing medical records, or by medical staff conducting an examination if the inmate’s genital status is unknown.

Staff and offender interviews confirmed that the opposite gender staff member do not interact with opposite gender offenders. If interaction is required of the opposite gender, the following procedures are implemented. If a female enters a male living area, a male always escorts her. The male will enter the male living area prior to the female entrance to ensure that the offenders are not performing bodily functions or changing clothes. Once the area is clear for the female to enter, the male staff member makes the announcement; female on floor, then the female enters. The same process is followed when a male staff has to enter the female living area. The female will enter the female living area prior to the male entrance to ensure that the female offenders are not performing bodily functions or changing clothes. Once the area is clear for the male, the female staff member makes the announcement; male on floor then, and then the male enters. The auditor observed both the female and male procedures. When female/male administrators make unannounced supervisory checks, the same procedures are followed.

Charlotte County Jail staff received search training during basic jailer school through Central Virginia Criminal Justice Academy. During staff interviews, staff indicated that they had not had a transgender or intersex inmate assigned to the facility, but were aware of the agency’s policy regarding the searching of transgender and intersex inmates.

There are sixteen (16) cameras throughout the facility. Access to cameras includes the Deputies, Sergeants, Lieutenant, Captain, and Sheriff. A review of the cameras found that none of these cameras captures areas where inmates may be toileting, showering, changing clothing, or being searched.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): States, reasonable accommodations will be made on a case-by-case basis for inmates who have limited English speaking abilities, are hearing or visually impaired and have limited reading skills, or otherwise disable to provide effective communication to ensure equal opportunities to benefit from the jail's efforts to prevent, detect, report and respond to sexual abuse and sexual harassment. Inmate interpreters, inmate readers or other assistance by inmates will be prohibited except in limited circumstances. Charlotte County Jail is not required to take actions that it 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. In addition to providing such education, the jail will ensure that key information is continuously and readily available or visible to inmates through posters and other written formats.

Charlotte County Jail has entered into a Letter of Understanding with Nora Brooks, Interpreter on October 3, 2013 for services of Sign Language Translation and Video Remote Interpreting Services.

The Agency has created a PREA flyer for the purposes of educating offenders on Prison Rape Elimination Act, which includes information on zero tolerance policy, the inmates right to be free from sexual abuse and sexual harassment and how to report which are posted in each housing unit. The flyer is available in English and Spanish (the most common non-English language in the Agency).

Staff report that all new offenders receive PREA information at intake. The agency has a system in place to ensure the offender with disabilities or who are limited English proficient are receiving PREA information in a format that is understandable.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates Charlotte County Jail will not hire or promote anyone or enlist the services of any contractor, who may have contact with inmates, that: Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; Have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; Have been civilly or administratively adjudicated to have engaged in sexual activity; The jail will consider any incidents of sexual harassment in determining whether to hire, promote, or enlist services. A background investigation with a criminal history record investigation (e.g. VCIN); will be conducted on prospective staff for the Charlotte County Jail and on volunteers and contractors that may have contact with inmates to ensure against the hiring of any person with a history of perpetrating sexual assault, abuse, misconduct, or harassment, and will be rechecked every 5

years of those that may have contact with inmates starting in 2013 on current employees, volunteers, and contractors. All applicants and staff who may have contact with inmates will be asked directly about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations. The Charlotte County Jail will make its best effort to check with all prior institutional employers for information on allegations of sexual misconduct or sexual abuse. Staff must disclose any such misconduct. Any material omission or false information regarding misconduct will be grounds for termination. The jail will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former staff member upon receiving a request from an institutional employer for whom such staff member has applied to work, unless prohibited by law.

The Captain who serves as the Human Resources representative for the agency maintains a master list of all employees and contractors. The agency provided the master list to the auditor for review and no background check older than 4 years was found within the document.

The Human Resource representative reported that all staff are required to submit their acknowledgement of their duty to disclose any previous misconduct and have a continuous duty to report acts of sexual assault, sexual abuse, sexual misconduct, or sexual harassment. He reported that background checks are conducted every five (5) years, at hire, and at promotion, a Driver's License check is conducted annually, and they will release prior employment information with a signed authorization by the former staff. A review of random staff files found that backgrounds were conducted within the past 5 years.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the standard.

### **Standard 115.18 Upgrades to facilities and technologies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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Per memo from the PREA Coordinator dated April 30, 2017, Charlotte County Jail has not acquired any new facilities or made any substantial expansions or modifications of existing facilities since August 20, 2012. Nor has the jail installed or updates a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012.

Based on the information discovered in interviews, the auditor has determined the standard is not applicable to this facility.

### **Standard 115.21 Evidence protocol and forensic medical examinations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY SHERIFF'S OFFICE GENERAL ORDERS, COLLECTION/PRESERVATION OF EVIDENCE, 2-15 (rev 2014): Requires proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may

provide the key ingredients of any investigation. The crime scene is usually the starting point of a criminal investigation. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The officer or investigator must always be aware that any physical evidence collected might someday have to be presented in court. Therefore, it is imperative that each officer carefully process a crime scene not to overlook, contaminate, or destroy evidence. Physical evidence appears in many shapes, sizes, and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence, in accordance with the guidelines provided by the Division of Forensic Science, so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

CHARLOTTE COUNTY SHERIFF'S OFFICE GENERAL ORDERS, PROPERTY/EVIDENCE CONTROL, 2-16 (rev 2014): Requires that all evidence and property recovered or turned into this agency be properly packaged, handled, recorded, stored, and accounted for. All personnel shall maintain strict accountability for all property held as property and evidence. In no way shall these policies and procedures be interpreted to supersede any federal or state statute. These policies and procedures are intended to comply with existing laws.

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates Charlotte County Jail will ensure that an investigation be done on all allegations of sexual abuse and sexual harassment. Allegations involving potentially criminal behavior will be turned over to the Charlotte County Sheriff's Office for investigation. The jail will attempt to make available to the victim an advocate from an outside source to accompany and support the victim through the forensic medical examination process, investigatory interviews and for emotional support, crisis intervention information, and referrals through the use of a mailing address and hotline number for outside emotional support services related to sexual abuse. Reasonable communication will be allowed between inmates and an outside advocacy group in as confidential manner as possible. Charlotte County Jail will have a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health, investigators, and jail administration. The plan is as follows:

Staff Responsibilities:

- a. Isolate the victim and preserve the crime scene.
- b. Segregate and isolate alleged perpetrator(s).
- c. Notify supervisor immediately of event. (If non-staff notify staff immediately.)
- d. If the incident warrants a time frame that physical evidence could be collected, request the victim and abuser to not take action that would destroy it. (showering, eating, brushing teeth, changing clothes, urinating, defecating, smoking, or drinking)
- e. Ensure that the alleged abuser does not take actions to destroy any physical evidence. (showering, eating, brushing teeth, changing clothes, urinating, defecating, smoking, or drinking)
- f. Secure the crime scene if possible under safety, security, and control of the facility.
- g. Document events by Incident Report.
- h. If no medical or mental health is on duty at the time of a report, immediately notify Medical/Mental Health "On Call" Personnel if needed. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant and shall immediately notify the appropriate medical and mental health practitioners.

Supervisor responding to scene shall:

- a. Ensure that the staffs' actions have been met.
- b. If the perpetrator is a staff member, he or she will be placed on administrative leave until investigated.
- c. Immediately question the victim to determine the suspect or suspects, where or when the assault occurred and if facts warrant further investigation.
- d. Ensure crime scene is preserved. Photos will be taken of the crime scene and/or victim and documentation made.
- e. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature, and scope of which are determined by medical and mental health practitioners according to their professional judgment. If there is indication of sexual assault, the victim will be transported to the local Emergency Room for further treatment, examination, documentation, collection of forensic evidence, testing for sexually transmitted diseases and access to emergency contraceptives. This treatment will be of no cost to the inmate.
- f. Direct staff as needed to maintain control.
- g. Notify Administration, PREA Coordinator and Investigator if the allegation involves potential criminal behavior. The investigator will ensure that to the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women Publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- h. Obtain feedback.
- i. Ensure that upon return from emergency medical services the inmate is interviewed for protective custody needs.
- j. Ensure that follow-up medical and mental health service needs are arranged.

k. The Investigator responding will follow the Charlotte County Sheriff's Office Policy Manual General Orders

Cooperative Agreement between Young Men's Christian Association of Central Virginia, Forensic Nurse Examiners at Lynchburg General Hospital and Charlotte County Jail. This agreement went into effect initially in 2013 and still remain in effect. Young Men's Christian Association of Central Virginia will provide 24-hour accompaniment services, crisis intervention, safety planning, forensic exam accompaniment, and criminal justice advocacy to victims of sexual violence.

MOU with Southside Center for Violence Prevention, Inc., and Piedmont Crisis Center went into effect initially in 2013 and still remains in effect. Southside Center for Violence Prevention, Inc., and Piedmont Crisis Center provides staff support, advocacy, and other appropriate services to victims of sexual assault and/or family members of victims referred by Charlotte County Jail, upon request of the victim. According to the MOU with Southside Center for Violence Prevention, Inc., and Piedmont Crisis Center shall have sexual assault victim advocates available for twenty-four-hour crisis intervention, emergency medical and legal advocacy, and support services. All services can be accessed through the twenty-four-hour telephone hotline.

In the past 12 months, there have been no allegations where a victim required a forensic medical examination or victim advocate.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.22 Policies to ensure referrals of allegations for investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires an investigation be done on all allegations of sexual abuse and sexual harassment. Allegations involving potentially criminal behavior will be turned over to the Charlotte County Sheriff's Office for investigation.

The facility reported two (2) allegations of sexual abuse or sexual harassment were received in the past 12 months. In an interview with the Investigator, it was reported that Charlotte County Sheriffs conducts all investigations into all allegations of sexual abuse and sexual harassment, as well as any staff involved investigations.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.31 Employee training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific**

**corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires all new employees to receive PREA orientation training that covers all 10 areas as dictated by PREA standard 115.31. All staff will receive initial training and refresher training every 2 years. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies through policy review. Training will be provided to current staff within the jail and through the Central Virginia Criminal Justice Academy, and materials provided by the jail; new staff members receive training in their Basic Jailor School.

New employees are required to attend Basic Jailor Training, which includes a 4-hour PREA class. All 10 areas of PREA education as dictated by PREA standard 115.31 were observed in the curriculum. Refresher training requires a four online PREA class. All 10 areas of PREA education as dictated by PREA standard 115.31 were observed in the curriculum. Documents reviewed showed that online training through the Central Virginia Criminal Justice Academy was completed for the selection of staff interviewed in 2015 and 2017, as well as policy review in 2016 thus meets the requirement of every two (2) years with refresher in between. Staff signatures were also included confirming that they received and understood the PREA training/policy reviewed.

Staff interviews confirmed that they receive PREA education through via online training and PREA policy review. Staff was able to articulate specifics of the topics during the interview.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, and follow up by the facility, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.32 Volunteer and contractor training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires all volunteers and contractors that have contact with inmates will receive training at a minimum to include the jail’s zero tolerance policy and how to report incidents. Further training will be based on the services that they provide and the level of contact with inmates. Volunteers and contractors at the Charlotte County Jail will be under supervision of staff at all times.

This facility reports thirteen (13) volunteers and contractors. Samples of training acknowledgement forms were provided to the auditor for review. The facility also provided a list of all volunteers that shows the dates of their start date and date of PREA training. The contracted Chaplain and Food Service Supervisor were interviewed. Both contractors confirmed that they have received PREA training and are aware of the agency zero tolerance policy regarding sexual abuse/sexual harassment. They both informed the auditor that they were instructed to inform the nearest deputy or PREA Coordinator if they become aware of any knowledge, information, or suspicion of sexual abuse or sexual harassment.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.33 Inmate education**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires new inmates receive training during intake on the jail's "zero tolerance" policy and reporting incidents. After intake, but no later than 30 days, new inmates will receive training on their rights to be free from sexual abuse and the right to be free from retaliation for reporting. Current inmates will receive such training within one year of the PREA Standards effective date. Transfer inmates shall receive such training, as jail policies can differ. Reasonable accommodations will be made on a case-by-case basis for inmates who have limited English speaking abilities, are hearing or visually impaired and have limited reading skills, or otherwise disable to provide effective communication to ensure equal opportunities to benefit from the jail's efforts to prevent, detect, report and respond to sexual abuse and sexual harassment. Inmate interpreters, inmate readers or other assistance by inmates will be prohibited except in limited circumstances. Charlotte County Jail is not required to take actions that it 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. (115.16). In addition to providing such education, the jail will ensure that key information is continuously and readily available or visible to inmates through posters and other written formats. All training will be documented confirming that the training was received and understood.

Charlotte County Jail Rules and Regulations Handbook contains information about the zero tolerance policy towards sexual assault, sexual abuse, sexual harassment, or sexual misconduct of any inmate incarcerated within the Charlotte County Jail. The handbook contains specific information on Prison Rape Elimination Act, PREA Hotline, Strategies to avoid sexual abuse/assault, Agency Zero-Tolerance Policy, Other ways to report, Emotional Support Services and how to access, Victim Advocates and how to access Piedmont Crisis Center, P.O. Box 487, Blackstone, VA 23824

Interviews with inmates found that they have received information on intake regarding sexual abuse, sexual harassment, and how to report upon intake (including transfers). Intake staff interviews confirmed that the information is provided initially on the first day of an inmate's arrival at the jail. Within 30 days the inmates are shown the PREA Educational Video and sign a form acknowledging that the orientation was done in which the video was shown. Inmates have opportunity at that time to ask any questions. The auditor was provided with samples of inmate training for a one (1) year period. In addition, to the review of documentation provided to the auditor prior to the on-site visit. A review of the PREA education training of the offenders randomly selected during the on-site visit was also reviewed which confirmed inmates received the initial training during intake and additional was provided within 30 days.

Charlotte County Jail has PREA handouts in both English and Spanish. Posters and inmate brochures are posted in the housing areas in formats accessible to all inmates.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the standard, in that all offenders receive PREA information during intake and comprehensive PREA education within thirty (30) days.

#### **Standard 115.34 Specialized training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

include training provided to employees as well as specialized training in conducting sexual abuse investigations in confinement settings.

Specialized Training for Investigators was an eight (8) hour class held by the Training Force USA on September 30, 2013, titled, Prison Rape and Sexual Assault Investigations inside Correctional Facilities. Topics covered included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The facility provided proof of two (2) facility investigator trainings that were conducted as required. In an interview with an Investigator, the Investigator reported receiving training through Training Force USA in Lynchburg Virginia, as well as online PREA education training in accordance with the standard. He reported that he has received specialized training on interviewing techniques, Miranda warnings, Garrity warnings, sexual abuse evidence collection, and the criteria and evidence required to substantiate a case for administrative or prosecution referral.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.35 Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires that all medical and mental health receive training on the level of care provided. At minimum, medical and mental health care providers that have contact with inmates will receive training on the jails zero tolerance policy and how to detect and report allegations of sexual abuse and sexual harassment. Mediko and Crossroads Community Service Board, by contract, will be responsible for the training of their staff. Forensic examinations will be conducted in an emergency room facility by Sexual Assault Forensic Examiners or Sexual Assault Nurse Examiners, not by the medical staff at the Charlotte County Jail.

The facility provided completed certificates for medical staff specialized training through the National Institute of Corrections (NIC) website, as well as online PREA training through the Central Virginia Criminal Justice Academy. An interview with medical confirmed that he did receive specialized training, as well as online PREA training. Specialized training included; detecting and assessing for signs of sexual abuse and sexual harassment, preservation of evidence, responding effectively and professionally to victims of sexual abuse and sexual harassment, and to whom to report allegations or suspicions of sexual abuse or sexual harassment. He also reported that any information should be reported to the PREA Coordinator, Captain, or PREA Investigator.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.41 Screening for risk of victimization and abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires inmates be assessed during intake for risk of being sexually abused by other inmates or being sexually abusive towards other inmates by using an objective screening instrument. Screening will take place within 72 hours after intake. Reassessment of risk will take place within 30 days based on additional information that is received or when warranted due to a referral, request or incident of sexual abuse. Inmates will not be punished for refusal to answer screening questions. The intake screening will consider at the minimum the following: Whether the inmate has a mental, physical, or developmental disability; The age and physical build of the inmate; If the inmate has previously been incarcerated.; If the inmate has prior convictions for sex offenses; If the inmate has previously experienced sexual victimization; If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, or intersexual; The inmate’s own perception of vulnerability; If the inmate is detained for civil immigration purposes and prior acts of sexual abuse and convictions for violent offenses.

In an interview with the staff who conducts the risk screening, it was reported that all screening is conducted on the day the inmate arrives. Medical staff are present during the screening. A review of any prior information that the agency may have on the inmate is also reviewed. The screening that is conducted includes any disabilities, age, physical build, current and previous incarcerations, violent offenses, LGBTI status, mental illness, prior victimization, and assaultive behaviors. Additionally, inmates are asked about their perception of vulnerability. The auditor conducted a file review of the offenders that were selected for interview to ensure that the screening is conducted as required by policy. This review showed that offenders receive a screening within 24 hours of arrival and all criteria within the standard are being considered.

Per staff interviews, information is reviewed within thirty (30) days. If there is an incident of sexual abuse or if there is receipt of additional information, which warrants the completion of a reassessment the screen would be completed prior to the thirty (30) days. During the Pre-Audit phase it was determined by the auditor that reassessment was only conducted when an incident of sexual abuse occurred or when additional information was received which could affect whether the offender determination of being a sexual victim or sexual abuser. Prior to the on-site review, it was communicated to the facility that all offenders had to be reassessed within 30 days upon arrival. During the onsite, review five (5) out of the ten (10) random selected inmates had not been reassessed. Therefore, the facility was given a time frame to ensure all reassessments were completed on the inmate population. Supporting documentation has been provided to this auditor during the reporting writing phase confirming that all inmates assigned to Charlotte County Jail has been reassessed and additional reassessments has been conducted in accordance with the standard. Access to information is available only to the Medical, Sergeant, PREA Coordinator (Lieutenant), Captain and Sheriff. Inmates are never disciplined for refusing to respond to or not disclosing complete information when intake is conducted. Referrals are made to medical or mental health at the time of the screening.

Based on the information discovered in the agency policy, observations, information obtained through staff and inmate interviews, and follow-up, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.42 Use of screening information**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires the jail use screening information to keep inmates separate that are at risk for sexual abuse from those that are at risk of being sexually abusive in cells,

recreation, and programs available. Individualized determinations will be made to ensure the safety of each inmate. Screening information for transgender and intersex inmates will be used on a case-by-case basis of placement in cells to ensure the health and safety of such inmates. Their own views will be taken into consideration for placement. Reassessment will be done at least twice a year to ensure safety. Inmates will be given the opportunity to shower separately from other inmates. Lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in dedicated facilities, units, or wings solely on the basis of such identification or status.

During an interview with the PREA Coordinator, the auditor confirmed inmates are screened. Any inmate determined to be at high risk for sexual victimization are housed in separate housing units from inmates identified as being at high risk sexual aggressor. The auditor was advised the facility is not subject to any consent decree, legal settlement, or legal judgement requiring that it establish a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex inmates. Such inmates would be housed in general population. Transgender or intersex inmates would be treated as any other inmate and would have access to all regular programs and privileges. Housing would be determined on a case-by-case basis based on a collaborative review based on the inmates medical and mental health status, and make a decision in an effort to best protect the inmate. In determining programs and housing, the facility would consider; whether the placement would ensure the inmate's health and safety, whether the placement would present management or security problems, as well as the inmates' views with respect to his or her own safety. Transgender and intersex inmates are reviewed every six months. Transgender and intersex inmates are afforded the opportunity to shower separately from other inmates.

During interviews with staff responsible for risk screening, the auditor confirmed inmates are screened to identify those who are high risk for sexual victimization and high-risk sexual aggressors. Inmates identified as such would be housed in cells separate from one another. The auditor confirmed that programming (when available) and housing assignments would be reassessed for transgender or intersex inmates every six months should they be assigned to the jail. In addition, in addition, transgender or intersex inmates' own views with respect to their own safety are given serious consideration, while affording transgender and intersex inmates the opportunity to shower separately from other inmates.

During an interview with the PREA Coordinator, it was discovered that Charlotte County Jail has not had a transgender or intersex offender housed at the jail during this audit period. The auditor was advised the agency houses lesbian, gay, bisexual, transgender, or intersex inmates in general population and not in dedicated facilities, units, or wings solely based on their sexual orientation, genital status, or gender identity.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.43 Protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires inmates that are at high risk for sexual victimization will not be placed in involuntary segregation unless an assessment of all other alternatives has been made and there is no other alternative. If such assessment cannot be made immediately, the inmate may be held in involuntary segregation for less than 24 hours. If segregation is arranged, it will not ordinarily exceed a period of 30 days; if so, a review will be done to determine the need to continue separation from general population. Any segregation used to protect an inmate that alleged sexual abuse shall be subject to these requirements. Documentation for inmates placed in involuntary segregation will include the jail's concern for the inmate and why no alternative could be arranged. Inmates placed in segregation will have opportunities and privileges that are available in the jail. If any programs or privileges are restricted, documentation will be made of the reasons and duration of the limits.

A memo from the PREA Coordinator, dated April 30, 2017, states Charlotte County Jail has not placed any inmates at high risk for sexual victimization in involuntary segregated housing in the past 12 months. In an interview with the Chief, he reiterated that no

inmates have been placed in segregated housing in order to separate the victims from likely abusers.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.51 Inmate reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Confirms that inmates may report sexual assault/abuse, misconduct, or retaliation by other inmates or staff. Reports of staff neglect or violation of responsibilities that may have contributed to such misconduct may be reported by inmates. Inmates can report such conduct in writing, anonymously, verbally to staff, by a third party, and shall be promptly documented or by calling a toll free number provided for that purpose. Staff will accept reports made to them verbally, in writing or by third parties. Any staff member can privately report sexual abuse or sexual harassment of inmates to any supervisor or the Jail Captain. Inmates may report abuse or harassment to a public or private entity or office by using the mailing address provided that is not part of the jail and that is able to receive and immediately forward such reports to facility officials allowing the inmate to remain anonymous upon request. Inmates that are held solely for immigration purposes will be provided information on how to contact relevant officials and officials of the Department of Homeland Security.

Charlotte County Jail Rules and Regulations Handbook contains specific information on Prison Rape Elimination Act, PREA Hotline and other ways to report to Piedmont Crisis Center, P.O. Box 487, Blackstone, VA 23824

The facility provides multiple ways for inmates to report sexual abuse and sexual harassment, as well as retaliation for reporting sexual abuse and any staff neglect or violation of responsibilities that may have contributed to such incidents. Offenders are informed upon intake that they can dial #8 – a direct line to reporting abuse or requesting emotional support following an incident of sexual abuse or sexual harassment, which does not require an offender's personal identification number when calling. This line goes directly to Piedmont Crisis Center. Inmates are also advised that they can tell any staff member, including contractors or volunteers, who are trained and required to report all allegations of sexual abuse or sexual harassment. Externally, offenders can contact Piedmont Crisis Center through the use of the #8, who has entered into a Memorandum of Understanding with Charlotte County Jail. This MOU provides that Piedmont Crisis Center will receive calls alleging sexual abuse and sexual harassment and forward this information to the Agency's PREA Coordinator. Information regarding reporting through Piedmont Crisis Center is provided to offenders upon intake. The auditor called Piedmont Crisis Center utilizing the offender phone system to verify it was working and that services are provided to offenders if requested.

Staff as well as a contractor and volunteer interviewed confirmed that they would accept allegations of sexual abuse or sexual harassment verbally, in writing, anonymously, and from third parties and report to the PREA Coordinator and Investigator. Staff are also provided information for reporting in a confidential manner.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the standards, as such the facility offers direct reporting through staff and a dedicated phone line for reporting sexual abuse that allows an inmate to remain anonymous.

### **Standard 115.52 Exhaustion of administrative remedies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The Charlotte County Jail does not have an administrative procedure that addresses an inmate's grievance regarding sexual abuse. In accordance with section (a) of this standard, the Charlotte County Jail is exempt from this standard.

Based on the information discovered in interviews, the auditor has determined the standard is not applicable to this facility.

#### **Standard 115.53 Inmate access to outside confidential support services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates that the jail attempt to make available to the victim an advocate from an outside source to accompany and support the victim through the forensic medical examination process, investigatory interviews and for emotional support, crisis intervention information, and referrals through the use of a mailing address and hotline number for outside emotional support services related to sexual abuse. Reasonable communication will be allowed between inmates and an outside advocacy group in as confidential manner as possible.

Charlotte County Jail Rules and Regulations Handbook contains specific information on Prison Rape Elimination Act, PREA Hotline, emotional support services and other ways to report to Piedmont Crisis Center, P.O. Box 487, Blackstone, VA 23824. The Jails Rules and Regulations Handbook advises inmates that they can report to an outside agency, hotline number is not recorded and mail that is marked from the crisis center will be opened in front of inmate. Once reports are made to an outside agency, the reports are required to be forwarded to the jail for investigation. Inmates can have a family member or friend report for them.

Inmates are able to request confidential support services through staff or through the Piedmont Crisis Center, a community service provider under an MOU to provide such services. Inmate interviews found that they did not have a clear understanding of the services that Piedmont Crisis Center was able to provide, but were aware how to access the Piedmont Crisis Center by calling #8. The facility provided the inmates with detail educational material on services available through Piedmont Crisis Center during the post audit phase.

Based on the information discovered in the agency policy, observations, information obtained through staff and inmate interviews and follow-up, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.54 Third-party reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard.**

**These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Interviews with staff and the investigator confirmed that they are to receive allegations of sexual abuse or sexual harassment from third party reporters. The Agency's website provides information for third party reporters and was viewed by the auditor.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.61 Staff and agency reporting duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires any staff member, volunteer, or contractor will immediately report to his or her supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred or any retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All reports received, including anonymous and third party reports, will be given to the investigator. Staff can privately report any incident to the Jail Captain. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to sexual abuse reports to anyone other than the extent necessary to make treatment, investigation, and other security and management decisions. Any information related to sexual abuse reports will only be given to medical, investigations, mental health, other security, or management as necessary. Medical and Mental Health is required to report sexual abuse and is required to inform inmates of staff's duty to report, and the limitations of confidentiality. If the alleged victim is under the age of 18 or is considered a vulnerable adult under state or local vulnerable person statute, the agency will report the allegation to the designated agency.

The Agency requires all persons who are employed, contracted, or who volunteer at the facility to report any information, suspicion, or knowledge of sexual abuse or sexual harassment, as well as any retaliations towards a person who has reported sexual abuse or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Staff interviewed confirmed that they are required to report and have received this training bi-annually during online PREA training. Policy prohibits the sharing of information to anyone who is not a part of the investigation or reporting process. Interviews with medical staff confirmed that they are required to report any knowledge, suspicion, or information of sexual abuse or sexual harassment to the PREA Coordinator and Unit Head, as well as to the Investigator. Medical staff reported that they provide to offenders the limitations of confidentiality and their duty to report. The Chief and PREA Coordinator confirmed that all reports of alleged sexual abuse or sexual harassment, regardless of where the information came from, is reported to the Investigator.

A memo from the PREA Coordinator, dated April 30, 2017, states Charlotte County Jail has not received any reports of sexual abuse from medical or mental health practitioners since the audit held in 2014.

Based on the information discovered in the agency policy, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.62 Agency protection duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires when the jail learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

Per PREA Coordinator's memo, dated April 30, 2017, Charlotte County Jail has not had an occurrence in the last 12 months of the agency or facility determined that an inmate is subject to a substantial risk of imminent sexual abuse.

Interviews with staff indicated that they are required to immediately separate an offender who is believed to be at risk of imminent sexual abuse and to contact their supervisor.

Based on the information discovered in the agency policy, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.63 Reporting to other confinement facilities**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires if it is reported during screening or at any time after intake that a sexual allegation occurred prior to, during arrest, or at another facility, the jail will attempt to notify the other facility as soon as possible of the allegation, but no later than 72 hours after receiving the allegation and the agency shall document that it has provided such notification. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

In the interview with the Chief, the facility where the allegation took place would be notified no later than 72 hours in accordance with policy.

Per PREA Coordinator's memo, dated April 30, 2017, Charlotte County Jail has not received any reports of allegations in the last 12 months that an inmate was abused while confined at another facility.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.64 Staff first responder duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires staff ensure the following steps are taken; Isolate the victim and preserve the crime scene. Segregate and isolate alleged perpetrator(s). Notify supervisor immediately of event. (if non-staff, notify staff immediately.) If the incident warrants a time frame that physical evidence could be collected, request the victim and abuser to not take action that would destroy it (showering, eating, brushing teeth, changing clothes, urinating, defecating, smoking, or drinking). Ensure that the alleged abuser does not take actions to destroy any physical evidence (showering, eating, brushing teeth, changing clothes, urinating, defecating, smoking, or drinking). Secure the crime scene if possible under safety, security, and control of the facility. Document events by Incident Report. If no medical or mental health is on duty at the time of a report, immediately notify Medical/Mental Health “On Call” Personnel if needed. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

A review of the training material finds that all staff received information on responding to an allegation of sexual abuse by separating the victim from all others, protecting any physical evidence by requesting that the victim does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating), protecting any physical evidence by ensuring the alleged perpetrator does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating), and securing the crime scene. Interviews with staff found that they were able to articulate the steps required if they become aware of a sexual abuse. An interview with a Medical confirmed their knowledge and actions following notification of a sexual abuse.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.65 Coordinated response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires the jail to have a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health, investigators, and jail administration.

PREA Coordinated Response Plan was reviewed. It includes steps for the First Responder, Supervisor, Evidence Collection, Medical, Mental Health, Investigator, and PREA Coordinator. The Chief reports that the PREA Coordinator ensures compliance with the Plan and he provides assistance when needed. The Plan addresses all components of the standard.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.66 Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The facility provided a memo, dated April 30, 2017 from the PREA Coordinator stating, The Charlotte County Jail does not recognize employee organizations whose purpose is collective bargaining.

In accordance with the Code of Virginia, collective bargaining is prohibited. Per 40.1-57.2, “no state, county, municipal, or like governmental officer, agent or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agency of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service.”

Based on the information, the auditor has determined that this standard is Not Applicable.

#### **Standard 115.67 Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires inmates who report sexual misconduct, or assist in the investigation of an alleged sexual misconduct violation, will be protected against retaliation from other inmates and staff. Inmate victim and abuser may be moved or transferred, and alleged staff or inmate abuser will be removed from contact with the victim if the victim fears retaliation. Segregation may be used if there are no other means to ensure the safety of the victim. The jail staff shall monitor the treatment and conduct of inmates and staff involved in allegations for a period of 90 days for possible retaliation and will act promptly to any retaliation. The jail will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. If the allegation is unfounded, any monitoring will be terminated.

The staff who conducts retaliation monitoring is the PREA Coordinator, and she maintains a follow-up documentation and the name of the individual, results of the outcome of the investigation, and dated notes regarding the periodic status checks. She reports that shift transfers and facility transfers may be used for staff, and facility transfers, unit transfers, or bed reassignments would be used for offenders. She would also refer to Mental Health staff for additional services if warranted. She indicated monitoring would continue for a minimum of ninety (90) days with periodic status checks. A review of documentation shows one entry for this facility, which coincides with her report that there was one PREA allegation at the facility in the past 12 months.

Based on the information discovered in the agency policy, observations, and information obtained through staff and inmate interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.68 Post-allegation protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires any segregation used to protect an inmate that alleged sexual abuse shall be subject to these requirements. 1. Documentation for inmates placed in involuntary segregation will include the jail's concern for the inmate and why no alternative could be arranged. 2. Inmates placed in segregation will have opportunities and privileges that are available in the jail. If any programs or privileges are restricted, documentation will be made of the reasons and duration of the limits.

Per Memo from the PREA Coordinator, dated April 30 2017, Charlotte County Jail has not placed any inmate that alleged sexual abuse in involuntary segregated housing.

Based on the information discovered in the agency policy, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.71 Criminal and administrative agency investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires all investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively. No standard higher than the preponderance of the evidence will be imposed in determining whether allegations of sexual abuse or sexual harassment are substantial. An initial investigation can be conducted by the Jail Captain. Unless, it is quick and definite to determine that the allegation is unfounded, the investigation should be referred to the Charlotte County Sheriff's Office. All such referrals will be documented. Investigators with special training in sexual abuse investigations will be used when sexual abuse is alleged. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Administrative investigations include an effort to determine whether staff actions or failure to act contributed to the abuse. The investigator shall review the nature of the allegations received to determine if an investigation is warranted. If so, investigators will be responsible for Gathering and preserving direct and circumstantial evidence, available physical and DNA evidence, and available electronic monitoring data. The investigator will ensure that all evidence collected at the jail and from the hospital is handled in accordance with the Charlotte County Sheriff's Office Policy Manual General Orders 2-31 Appendix 2. Interviewing alleged victims, suspected perpetrators, and witnesses. Review prior complaints and reports of sexual abuse involving the suspected perpetrator. No compelled interviews will be conducted by the Jail until consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. Upon notification of an alleged sexual abuse or misconduct, the investigator shall follow the Charlotte County Sheriff's Office Policy Manual General Orders 2-31. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as an inmate or staff. An inmate who alleges sexual abuse will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of alleged allegation. All administrative and criminal investigations will be

documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings. Any substantiated allegations of conduct that appear criminal will be referred for prosecution. All written reports of administrative and criminal investigations will be retained by the Jail for as long as the alleged abuser is incarcerated or is employed by the agency, plus five years. An investigation will not be terminated just because the alleged abuser or victim departs from employment or control of the Jail. During the investigation, the agency will cooperate with the investigators and will endeavor to remain informed about the progress of the investigation.

Charlotte County Sheriff's Office Policy Manual General Orders 2-31 Appendix 2, (rev 2013): Provides the following general rules: Safeguard crime scene and evidence that is collected. Call a crime scene unit or evidence technician, if available. Use caution not to damage, mark, or contaminate evidence. Initial and date all items seized. Document chain of evidence in report and place all evidence in appropriate containers, seal, and initial. At the Crime Scene: Collect undergarments, clothing, bedding, rugs, or other appropriate items, which may contain semen, blood or be damaged. Collect washcloths or towels, which may have been used. Collect bottles, glasses, or other objects, which may contain latent prints. Search scene for foreign objects (buttons, hair, pieces of torn clothing). If crime occurred outdoors, take soil samples from several areas and sketch the location of each sample taken. If crime occurred in a car, gather sweepings from seats and floors, search floor mats for stains along with seat covers. If entry was forced into the victim's house, gather samples of broken glass, paint samples, and note any pry marks. Photograph crime scene. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only female officers or medical personnel should photograph private sexual areas.

Notes to be Prepared: Description of exact location where each piece of evidence was found. Description of victim's appearance and behavior. Note: bruises or marks, facial discoloration, disarrayed clothing, smeared makeup, hair disheveled, confused, or dazed behavior, bewilderment or disorientation, apparent hysteria or crying, incoherent speech. Description of victim's clothing. Note locations of torn garments, dirt, stains--blood, semen, grass. Description of suspect. Physical description as provided by victim with special attention to items, which would not be readily visible if the suspect were clothed: scars, tattoos, moles. Have all signs of trauma or injury, as well as emotional state of the victim, recorded on hospital record. Be certain that smears are taken from vagina, anus, and mouth of victim.

Two (2) sexual abuse allegations were received within the audit period. Both investigation files were reviewed, which contained a completed investigation report, detailing evidence presented during the investigation along with a disposition of substantiated, unsubstantiated, or unfounded.

The investigator who was interviewed reported that an investigation begins immediately upon notification. Initial response by the investigator includes reviewing the method reported, interviewing the victim, ensure medical and mental health care is provided, gathering evidence, and notifying the hospital. He reports that evidence that may be collected include electronic video footage, clothing, medical records, witness statements, victim statement, alleged perpetrator statement, and PERK (physical evidence recovery kit). He reports that the credibility of the victim is based on evidence found, and that no polygraph examination or truth-telling device is a condition for proceeding with an investigation. He reports that the investigation does not end if the alleged perpetrator is released or terminates employment, or if the victim leaves the facility prior to completion of the investigation.

Based on the information discovered in the agency policies, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.72 Evidentiary standard for administrative investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires no standard higher than the preponderance of the evidence will be imposed in determining whether allegations of sexual abuse or sexual harassment are substantial.

Based on the information discovered in the agency policies, observations, and information obtained through staff interviews, the auditor

has determine the facility meets the requirements of the standard.

### **Standard 115.73 Reporting to inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires following an investigation, the jail shall request the relevant information from the investigator in order to inform the inmate as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded. All such attempts and notifications will be documented. If inmate allegations are against a staff member, the jail will inform the inmate if the allegation is unsubstantiated or unfounded, if the staff member is no longer employed at the jail, if the staff member has been removed from duty, or has been indicted or convicted of the charge. If the inmate is released from the jail’s custody, the obligation to report this is terminated. If inmate allegations are against another inmate, the jail will inform the inmate if the allegation is unfounded or unsubstantiated, if the inmate has been indicted or convicted on a sexual abuse charge. If the inmate is released from the jail’s custody, the obligation to report this is terminated.

Per PREA Coordinator’s memo, dated April 30, 2017, Charlotte County Jail has had no occurrence of an outside entity to conduct a criminal or administrative investigation of alleged inmate sexual abuse in the past 12 months.

The facility maintains a copy of all offender notifications and this includes the outcome as well as the date of the notification. In interviews with the investigator and PREA Coordinator, they both confirmed that offenders are notified of the outcome of an investigation.

Based on the information discovered in the agency policy, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.76 Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates any behavior of a sexual nature between staff and inmates is prohibited. Staff is subject to disciplinary action up to and including termination for violating sexual misconduct under the Charlotte County Sheriff’s Office Policy Manual Rules and Regulations 1.7 Category III Offense, as well as criminal prosecution under the Code of Virginia. Termination will be the presumptive disciplinary action for staff who has engaged in sexual abuse. Disciplinary actions for violations of policies relating to sexual abuse or sexual harassment will be commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and actions imposed for comparable offenses by other staff with similar histories. All termination or resignations by staff that would have been terminated for violations of

sexual abuse or sexual harassment policies will be reported to law enforcement agencies and to any relevant licensing bodies.

The facility reported no staff have violated the agency sexual abuse or sexual harassment policies in the past 12 months. A memo from the PREA Coordinator, dated April 3, 2017, confirms that there were no instances where a staff member was disciplined for violating the agency sexual abuse or sexual harassment policies.

Based on the information discovered in the agency policy and observations, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.77 Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates any behavior of a sexual nature between volunteers and contractors and inmates is prohibited. If a volunteer or contractor engages in such activity, they will be prohibited from having contact with inmates and will be reported to law enforcement and relevant licensing bodies.

A memo from the PREA Coordinator, dated April 30, 2017, reports that there were no instances or reports whereby a volunteer or contractor was alleged to have violated the sexual abuse or sexual harassment agency policies and procedures. This was confirmed with the PREA Coordinator. An interview with the Chief confirmed that any contractor or volunteer who is alleged to have violated the sexual abuse or sexual harassment policies would be required to leave the facility pending the outcome of the investigation.

Based on the information discovered in the agency policy, observations, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

#### **Standard 115.78 Disciplinary sanctions for inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates any behavior of a sexual nature by inmates is prohibited and subject to disciplinary action per the Charlotte County Jail Standard Operating Procedures Policy, as well as criminal prosecutions. Consensual sexual activity among inmates will not be permitted. If inmates engage in this type of activity, they will be subject to disciplinary action in accordance with the Charlotte County Jail Standard Operating Procedures Policy. Disciplinary actions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the actions imposed of comparable offenses by other inmate's with similar histories. The disciplinary process will consider whether an inmate's disability or mental illness contributed to his or her behavior when determining what type of action, if any, will be taken.

Inmates will be disciplined for sexual conduct with staff only upon finding that the staff member did not consent to such conduct.

A memo from the PREA Coordinator, dated April 30, 2017, confirms that there have been no disciplinary actions taken towards an offender for reporting offender-on-offender sexual violence or employee sexual misconduct or harassment. There were no allegations in the past 12 months to review for compliance.

Based on the information discovered in the agency policy, observations, and staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.81 Medical and mental health screenings; history of sexual abuse**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires if screening indicates that an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, then staff will offer a follow-up meeting with medical and/or mental health within 14 days of the intake screening. Information on sexual abuse that occurred in an institutional setting will be strictly limited to medical and mental health and another staff as necessary. Information about prior sexual victimization that did not occur in an institutional setting warrants consent from inmates from medical and mental health before reporting.

Interviews with medical and mental health (mental health staff employed by Crossroad Community Service) staff confirmed the referral for follow-up referrals with mental health practitioners within 14 days for offenders who report sexual victimization or are identified as being sexually abusive. Medical staff was aware of the requirement for informed consent before reporting information about a sexual victimization that did not occur in an institutional setting, unless the victim is under the age of 18. The PREA Coordinator confirmed that persons under the age of 18 have not been housed at this facility. The staff who conducts the risk assessment are aware of the requirement to refer offenders identified as HRSV or HRSA to a mental health practitioner for further treatment or programming.

Based on the information discovered in the agency policy, observations, documents, information obtained through staff interviews, and facility follow-up, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.82 Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires if there is indication of sexual assault, the victim will be transported to the local Emergency Room for further treatment, examination, documentation, collection of forensic evidence, testing for sexually transmitted diseases and access to emergency contraceptives. This treatment will be of no cost

to the inmate.

Interviews with medical and mental health (mental health staff employed by Crossroad Community Service) staff confirm that victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. Medical confirmed that services begin immediately upon notification and carry through any hospital orders, or medical practitioner follow-up care. If medical staff or mental health staff are not present, the supervisor would make appropriate notifications and following directives of medical staff regarding any forensic examination. Lynchburg General Hospital provides SANE services for this facility and has a SANE on staff. Medical reported that the hospital would begin any emergency contraception and sexually transmitted infection prophylaxis treatment/services. Mental health services begin when the victim is available and after medical care is first provided. The Crossroad Community Service would see the victim no later than 48 hours of an incident and provide one-on-one counseling. Piedmont Crisis Center will provide outside emotional support services.

Based on the information discovered in the agency policy, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): States the jail will offer medical and mental health evaluation and treatment, consistent with the community level of care, as needed to inmates that have been sexually abused, in the form of follow-up services, treatment plans, testing for sexually transmitted infections and, when necessary, referrals for continued care at no financial cost. Female victims that were vaginally penetrated will be offered a pregnancy test. If pregnancy results from sexual abuse, then the victim will receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services. The jail will attempt to conduct a mental health screening on all known inmate on inmate abusers within 60 days of learning that abuse history exists and offer treatment when deemed appropriate by mental health.

Interviews with medical and mental health staff indicate that victims are offered a Sexual Assault Assessment, individual treatment, treatment plans, medications as ordered by the physician, and laboratory testing for STD and HIV. Pregnancy resulting from a sexual abuse incident would result in victims being given timely information and access to all lawful pregnancy-related services as soon as possible. Mental health staff report that ongoing services include reviewing the victim's prior history, screening for further victimization, addressing physical or emotional distress, and one-on-one counseling. The mental health staff reported that mental health evaluations of all known inmate-on-inmate abusers are offered treatment services within 14 days, and services can include housing/facility change, and counseling.

Based on the information discovered in the agency policies, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.86 Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard.**

**These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Requires a sexual abuse incident review will be conducted within 30 days after the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded. The review will be conducted by supervisors, the Jail Captain, investigator, and mental and medical health. The review team will consider the following information: A need to change policy or practice to better prevent, detect, or respond to sexual abuse; If the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, perceived status, gang affiliation; The area in the jail where the alleged incident occurred to assess whether physical barriers in the area may permit abuse; The adequacy of staffing levels in that area during different shifts; Whether monitoring technology should be deployed or augmented to supplement supervision by staff; The review team will prepare a report of the findings, determinations, and any recommendations for improvement and submit the report to the Captain and the PREA Coordinator; The jail will implement the review team's recommendations for improvements, or will document the reasons for not doing so.

There were two (2) allegations of sexual abuse in the past 12 months. During an interview with the Chief, the auditor confirmed the facility has a sexual abuse incident review team, which consists of upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health professionals.

During an interview with a member of the sexual abuse incident review team, the auditor was informed a committee conducts the reviews. The review team reviews the incident and goes over a checklist of questions in an effort to identify any potential issues, and improve their policies and practices. The auditor reviewed the two (2) incident reviews, which include the review of all six (6) areas.

Based on the information discovered in the agency policy, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.87 Data collection**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

CHARLOTTE COUNTY JAIL, PRISON RAPE ELIMINATION ACT (PREA) Policy, (rev 2017): Mandates the jail will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The jail will collect this data annually, and at a minimum, include the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. This information will come from the jail review and collection of all available incident reports, investigation files, and sexual abuse incident reviews. Upon request, the jail will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The auditor was provided with the 2014, 2015, and 2016 annual reports.

Based on the information discovered in the agency policy, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

**Standard 115.88 Data review for corrective action**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The auditor was provided the 2014, 2015, and 2016 annual reports. The reports reflect comparison data. The Sheriff approved the report.

Interview with the Chief and PREA Coordinator found that the agency utilizes Incident Report, Debriefing, and Incident Review to assist with identifying the lessons learned. This information is gathered and submitted to the public through an annual report that is available on the website, and includes comparison data and corrective action taken when needed. The information is security retained, which was confirmed by both staff interviews.

Based on the information discovered in the agency policy, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **Standard 115.89 Data storage, publication, and destruction**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The auditor was provided the 2014, 2015, and 2016 annual reports for review.

In an interview with the Agency PREA Coordinator, it was reported that all information is securely maintained in secured area where only she, the Chief, and Sheriff has access. A review of the 2016 report finds that there are no personal identifiers within the report.

Based on the information discovered in the agency policy, observations, documents, and information obtained through staff interviews, the auditor has determined the facility meets the requirements of the standard.

### **AUDITOR CERTIFICATION**

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Lawanda M. Long

August 8, 2017

Auditor Signature

Date