

PRISON RAPE ELIMINATION ACT

The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to support the elimination and prevention of sexual assault and sexual misconduct in correctional systems. PREA addresses both inmate-to-inmate sexual assault and staff-to-inmate sexual assault. It is the policy of the Pittsylvania County Sheriff's Office (PCSO) to comply with all standards within the Prison Rape Elimination Act (PREA). In accordance with PREA standard 115.11, the PCSO has established a ZERO TOLERANCE policy for all forms of sexual misconduct, incidents involving inmate-on-inmate sexual violence, and all forms of staff sexual misconduct / harassment toward inmates regardless of consensual status.

The PCSO implements its "Zero-Tolerance" policies through a facility-wide systematic process that begins when inmates are initially admitted into the facility. When inmates enter our intake area, they are met with a comprehensive educational process where their rights to be free from sexual abuse and harassment are explained in detail to them. Inmates are exposed to education concerning reporting options through the use of the inmate handbook and postings throughout the facility regarding sexual abuse prevention and information concerning victim advocacy.

The PCSO has determined that the policies and procedures are clear; ALL SEXUAL ACTIVITY IS PROHIBITED. Beyond those rules, forced or coerced sexual behavior is a criminal act that merits criminal prosecution. In the event of a sexual abuse or rape allegation in the PCSO or during a PCSO transport, as defined by the PREA standard 115.22, the PCSO will work with the local Police Department of the jurisdiction in which the incident occurred to investigate the allegation. The PCSO has agreements with local law enforcement to ensure that all incidents of sexual assault are thoroughly investigated and referred for prosecution to the Commonwealth Attorney.

If you feel that your family member or friend has been the victim of sexual abuse at the hands of another inmate, or if you have information concerning suspected incidents of employee sexual misconduct involving the Pittsylvania County Sheriff's Office personnel, please contact one of the following:

- The Site Administrator of the facility where the incident occurred
- The Sheriff's Office or Police Department of the jurisdiction where the incident occurred
- Rape, Abuse and Incest National Network (800) 656-4679

PITTSYLVANIA COUNTY SHERIFF'S OFFICE PREA DEFINITIONS

§115.6 Definitions related to Sexual Abuse

Abuse by Inmate – Includes the:

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Abuse by Staff – Includes the:

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

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

Harassment – The repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; or the repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Substantiated – an allegation which was investigated and determined to have occurred

Unfounded – an allegation which was investigated and determined not to have occurred

Unsubstantiated – an allegation which produced insufficient evidence to make a final determination of a substantiated or unfounded claim

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