

KNOX COUNTY SHERIFF

POLICY AND PROCEDURE MANUAL

CHAPTER 18

18.3 OFFICIAL RESPONSE AND INMATE REPORT

Effective Date: September 2014


Assistant Chief Deputy

RELATED STANDARDS:

ALDF	CORE	PREA	TCI	TCA
None	None	115.22, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.69	None	37-1-403, 71-6-103

POLICY:

KCSO shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and command staff.

DEFINITIONS:

KCSO: Knox County Sheriff's Office

PROCEDURES:

SUB-SECTION A: RESPONSIBILITY FOR KCSO AND STAFF REPORTING

PREA 115.61

1. KCSO shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in any KCSO correctional facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **(a)**
2. Apart from reporting to designated supervisors and classification, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified by policy, to make treatment, investigation, and other security and management decisions. **(b)**
3. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of service. **(c)**
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under state statute, KCSO shall report the allegation to the TN Department of Children Services in accordance with TCA 37-1-403 and TCA 71-6-103. **(d)**

5. KCSO shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the appropriate facility PREA investigators. **(e)**

**SUB-SECTION B:
KCSO PROTECTION RESPONSIBILITIES**

PREA 115.62

When any KCSO staff member learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate without unreasonable delay. **(a)**

**SUB-SECTION C:
REPORTING TO OTHER CONFIDENTIAL FACILITIES**

PREA 115.63

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Classification Officer, PREA Manager and/or Shift Commander that received the allegation shall notify the appropriate agency head or appropriate office of the agency where the alleged abuse occurred. **(a)**
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. **(b)**
3. KCSO shall document that it has provided such notification on the “Notification of Alleged Abuse” Form 1818. The original form will be forwarded to the PREA Investigator for filing. **(c)**
4. If KCSO receives such notification KCSO shall ensure that the allegation is investigated in accordance with PREA standards. **(d)**
5. If the inmate is in KCSO custody, Classification will complete a PREA Screening Reassessment on the Inmate Management System.

**SUB-SECTION D:
KCSO COORDINATED RESPONSE TO PREA**

PREA 115.64, 115.65

1. Upon learning of an allegation that an inmate was sexually abused, the first KCSO Staff Member’s responsibilities include: **(a)**
 - a. Separate the alleged victim and abuser **(1)**
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence **(2)**
 - c. If the abuse occurred within a time period that still allows for the collection of physical evidence (120 hours), request that the alleged victim(s) and alleged abuser(s) not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and **(3), (4)**
 - d. Notify the appropriate Shift Commander and document the incident in memorandum.
2. The Shift Commander’s responsibilities include:
 - a. Determine if the incident is or may be a PREA violation.

- b. If so, notify the appropriate PREA Investigator and Facility Commander.
- c. Begin the documentation process by completing the PREA Incident Checklist form.
3. The PREA Investigator responsibilities include:
 - a. Document all actions on the KCSO PREA Administrative Investigation Report (#1802)
 - b. Notify the PREA Coordinator and KCSO Major Crimes
 - c. Ensure all possible steps have been taken to preserve the crime scene and all potential evidence.
 - d. Ensure the victim(s) are referred to Medical.
 - e. Contact the Sexual Assault Center of East Tennessee.
 - f. Coordinate with KCSO Medical and the Sexual Assault Center of East Tennessee to setup SAFE or SANE forensic examination.
 - g. If criminal activity is suspected, contact the KCSO Major Crimes Division.
4. If the first Staff Member is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify the security staff. (5)

Note: All information shall be documented and forwarded to the responding PREA Investigator and/or Shift Commander for the purposes of completing the KCSO PREA Administrative Investigation Report. # 1802

SUB-SECTION E: KCSO PROTECTION AGAINST RETALIATION

PREA 115.67

1. KCSO 's policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and the PREA Manager is charged with monitoring retaliation. (a)
2. KCSO shall employ multiple protection measures, such as housing transfers for inmate victim or abusers, incompatible listings, Classification Alerts in IMS, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (b)
3. For at least 90 days following a report of sexual abuse, the PREA Manager shall monitor the conduct and treatment of inmates and staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The PREA Manager will monitor inmate disciplinary reports, housing/program changes and negative evaluations or counseling forms for the staff. The PREA Manager shall continue such monitoring

beyond 90 days if the initial monitoring indicates a continuing need. (c)

4. In the case of inmates, such monitoring shall also include periodic custody level checks. (d)
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, KCSO shall take appropriate measures to protect that individual from retaliation. (e)
6. KCSO's obligation to monitor shall terminate if the KCSO determines that the allegation is unfounded. (f)
7. The PREA Manager will document the monitoring by utilizing the KCSO PREA Retaliation Review Form # 1803 for an inmate or 1803B for a staff member.

SUB-SECTION F: REFERRALS OF ALLEGATION FOR INVESTIGATION

PREA 115.22

1. KCSO shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. (a)
2. The KCSO PREA Coordinator shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to the KCSO Major Crimes Division, unless, the allegations does not involve potentially criminal behavior. KCSO shall publish this process on knoxsheriff.org and document all referrals. (b)

Note: KCSO is exempt from **PREA 115.66** and **PREA 115.22 (c), (d) and (e).**