



SHERIFF TOM SPANGLER

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Chief Counsel

Policy and Procedures

Knox County Sheriff's Office Corrections Division

Chapter 18: Prison Rape Elimination Act (PREA) Subsection 18.3: Official Response and Inmate Report

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

I. Policy:

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

II. Definitions:

Coordinated Response: A written plan requiring that the actions of all initial responders are coordinated so that their interventions following an incident of sexual abuse are organized, timely, deliberate, and systematically focused on the needs of the victim.

KCSO: Knox County Sheriff's Office

III. Procedures

A. Responsibility for KCSO and Staff Reporting **PREA 115.61**

1. KCSO requires all staff to report according to agency policy the following immediately:

- a. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment occurring in any KCSO Correctional Facility, whether or not it is part of the agency
- b. Retaliation against inmates or staff who reported such an incident; any staff neglect or violation of responsibilities may have contributed to an incident or retaliation. **(a)**

2. Apart from reporting to designated supervisors, staff shall not reveal any

information related to a sexual abuse report to anyone other than to the extent necessary, as specified by KCSO policy, to make treatment, investigation, and additional 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 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 18 or considered a vulnerable adult under state statute, KCSO shall report the allegation to the TN Department of Children Services under **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)

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, they shall take immediate action to protect the inmate without unreasonable delay. (a)

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, or Shift Commander who received the allegation shall notify the KCSO PREA coordinator Facility Commander.
2. The PREA Coordinator or PREA Manager will notify the appropriate agency head or appropriate office of the agency where the alleged abuse occurred. This notification will be documented on the [PREA Notification to Other Agency \(Form #1826\)](#) (a)
3. Such notification shall be provided as soon as possible but no later than 72 hours after receiving the allegation. (b)
4. 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 Coordinator for filing. (c)
5. If KCSO receives such notification, KCSO shall ensure that the allegation is investigated following PREA standards. (d)
6. If the inmate is in KCSO custody, Classification Staff will complete a PREA

Screening Reassessment on the Inmate Management System.

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 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 a memorandum.
2. The Shift Commander's responsibilities include the following:
 - a. Determine if the incident is or may be a PREA violation.
 - b. If so, notify the appropriate PREA Investigator, Facility Commander, and PREA Coordinator.
 - c. Begin the documentation process by completing the [PREA Incident Checklist Sheet \(Form #1817\)](#).
3. The PREA Investigator's responsibilities include the following:
 - a. Document all actions on the [KCSO PREA Administrative Investigation Report \(Form #1802\)](#)
 - b. Notify the Sexual Assault Response Team (SART).
 - 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 KCSO Major Crimes and Forensics Divisions if criminal activity is suspected
 - f. If the first responding 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)

4. Coordinate with KCSO Medical, Shift Commander, and the Sexual Assault Center of East Tennessee to set up SAFE or SANE forensic examination and victim advocate services.

Note: All information shall be documented and forwarded to the responding PREA Investigator so that they may complete the [KCSO PREA Administrative Investigation Report. \(Form #1802\)](#). **Staff shall not utilize IMS for any reporting or documenting of PREA Incidents.**

E. KCSO Protection Against Retaliation **PREA 115.67**

1. KCSO's policy is 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. The PREA Manager is charged with monitoring retaliation. (a)
2. KCSO shall employ multiple protection measures for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or cooperating with investigations. Such measures may include but are not limited to the following: (b)
 - a. Housing transfers for inmate victims or abusers
 - b. Filing of incompatible status
 - c. Classification Alerts in IMS
 - d. Removal of alleged staff or inmate abusers from contact with victims
 - e. Emotional support services
3. The facility's PREA Manager shall monitor the conduct or treatment of inmates or staff who reported sexual abuse and inmates who were reported to have suffered sexual abuse to see if any changes may suggest possible retaliation by inmates or staff. Such monitoring will continue for at least 90 days following the report of sexual abuse. (c)
 - a. The PREA Manager will monitor inmate disciplinary reports, housing/program changes, and the staff's negative evaluations or counseling forms.
 - b. The PREA Manager shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (c)
 - c. The KCSO will act promptly to remedy any such retaliation.

Note: If there is an extended period between an allegation and a sexual abuse investigation

finding, the PREA Coordinator shall order retaliation monitoring. All sexual abuse investigations require initial retaliation monitoring within 30 days of the reported sexual abuse.

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 [KCSO PREA Retaliation Review \(Form 1803B\)](#) for a staff member.
8. Retaliation Monitoring Forms will be stored in the appropriate PREA Investigator's case file.

F. Referrals of Allegation for Investigation **PREA 115.22**

1. KCSO shall ensure that an administrative or criminal investigation is completed for all sexual abuse and sexual harassment allegations. **(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 do not involve potentially criminal behavior. KCSO shall publish this process on knoxsheriff.org and document all referrals. **(b)**

Note: KCSO is exempt from **PREA 115.22 (c), (d), and (e)** as they do not utilize a separate entity to conduct criminal or administrative investigations.

G. Preservation of Ability to Protect Inmates from Contact with Abusers **PREA 115.66**

The Knox County Sheriff's Office does not participate in collective bargaining agreements.