



Commonwealth of Massachusetts *Office of the Sheriff*

Franklin County

GENERAL ORDER 518

SEXUALLY ABUSIVE BEHAVIOR PREVENTION AND INTERVENTION

Approved: _____

(Signature of Sheriff Lori M. Streeter)
(Sheriff Lori M. Streeter)

Date: _____

8/12/25

Table of Contents

- .01 Date Issued**
- .02 Purpose (115.11)**
- .03 Definitions**
- .04 Contracting with Other Entities for Confinement of Inmates (115.12)**
- .05 Supervision and Monitoring (115.13)**
- .06 Youthful Offenders (115.14)**
- .07 Cross-gender Viewing and Searches (115.15)**
- .08 Inmates with Disabilities (115.16)**
- .09 Hiring and Promotion(115.17)**
- .10 Upgrades to Facilities and Technologies (115.18)**
- .11 Evidence Protocol and Forensic Medical Examinations (115.21)**
- .12 Policies to make Referrals of Allegations for Investigations (115.22)**
- .13 Employee Training (115.31/ 115.32)**
- .14 Inmate Education (115.33)**
- .15 Specialized Training: Investigations (115.34)**
- .16 Specialized Training: Medical and Mental Health Care (115.35)**
- .17 Screening for Risk Victimization and Abusiveness (115.41)**
- .18 Use of Screening Information (115.42)**

- .19 Protective Custody (115.43)**
- .20 Inmate Reporting (115.51)**
- .21 Exhaustion of Administrative Remedies (115.52)**
- .22 Inmate/Resident Access to Outside Confidential Support Services (115.53)**
- .23 Third Party Reporting (115.54)**
- .24 Staff and Agency Reporting Duties (115.61)**
- .25 Agency Protection Duties (115.62)**
- .26 Reporting to Other Confinement Facilities (115.63)**
- .27 Staff First Responder Duties (115.64)**
- .28 Coordinated Response (115.65)**
- .29 Preservation of Ability to Protect Inmates/Residents from Contact with Abusers (115.66)**
- .30 Agency Protection Against Retaliation (115.67)**
- .31 Post-allegation Protective Custody (115.68)**
- .32 Criminal and Administrative Investigations (115.71)**
- .33 Evidentiary Standard for Administrative Investigations (115.72)**
- .34 Reporting to Inmates/Residents (115.73)**
- .35 Disciplinary Sanctions for Staff (115.76)**
- .36 Corrective Actions for Contractors and Volunteers (115.77)**
- .37 Disciplinary Sanctions for Inmates (115.78)**
- .38 Medical and Mental Health Screenings; History of Sexual Abuse (115.81)**
- .39 Access to Emergency Medical and Mental Health Services (115.82)**
- .40 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abuser (115.83)**
- .41 Sexual Abuse Incident Reviews (115.86)**
- .42 Data Collections (115.87)**
- .43 Data Collection for Corrective Action (115.88)**
- .44 Data Storage (115.89)**
- .45 Audits of Standards (115.93)**
- .46 Auditing and Corrective Action (115.401)**
- .47 Auditor Qualifications (115.402)**
- .48 Audit Content and Findings (115.403)**
- .49 Audit Corrective Action Plan (115.404)**
- .50 Audit Appeals (115.405)**
- .51 Review Date**

.01 Date Issued

The issue date of this General Order is August 12, 2025. This document supersedes General Order 518 previously issued on February 10, 2025.

.02 Policy

The Franklin County Sheriff's Office is committed to zero tolerance prevention and elimination of sexual abuse perpetrated against inmates by staff or other inmates. Meeting the objectives of the Prison Rape Elimination Act of 2003 shall be a priority for the Franklin County Sheriff's Office and an ongoing focus for staff at all levels. The Franklin County Sheriff's Office shall devise and implement a strategic plan to ensure a comprehensive approach toward confronting this issue.

All intentional acts of sexually abusive behavior or intimacy between an inmate and a Franklin County Sheriff's Office employee, contractor or volunteer, or another inmate, regardless of consensual status, are prohibited, and the perpetrators shall be subject to administrative and criminal and/or disciplinary sanctions. The Franklin County Sheriff's Office is committed to investigating, disciplining, and referring for prosecution Franklin County Sheriff's Office employees, contractors, volunteers, and inmates who engage in sexually abusive behavior.

The Franklin County Sheriff's Office is equally committed to providing crisis intervention and ongoing treatment or referrals to the victims of these acts.

The purpose of this policy is to:

- Mandate the timely reporting of incidents by Franklin County Sheriff's Office employees, contractors or volunteers and inmates;
- Accurately identify and track perpetrators and inmate victims of sexually abusive behavior;
- Develop a process to identify and manage inmates who are potentially at risk;
- Provide ongoing education to Franklin County Sheriff's Office employees, contractors, and volunteers regarding their responsibility toward prevention, intervention, and reporting when incidents are observed or made known to them;
- Provide effective and ongoing orientation to inmates regarding how to avoid victimization and how to report incidents of sexual abuse;
- Provide for a thorough investigation of reported incidents and certain discipline and/or prosecution of perpetrators when appropriate;
- Provide effective short and long-term treatment for victims of sexually abusive behavior.
- This policy follows the standards on the Prison Rape Elimination Act, Title 28, part 115 of the Prisons and Jail Standards.

The purpose of this consolidated policy is for internal use only and does not change an employee's civil liability in any way. This policy does not change or adopt any new regulations from the General Orders.

.03 Definitions

For the purpose of this policy, the following words shall have the following meanings:

Agency: The unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Allegation: Any event that has been reported to a Franklin County Sheriff's Office staff person, contractor, or volunteer but which has not yet been verified or investigated.

At Risk: Inmates who exhibit characteristics consistent with potential victims or perpetrators of sexually abusive behavior.

Contractor: An individual who provides services on a recurring basis pursuant to a contractual agreement with the Franklin County Sheriff's Office.

Detainee: Any person detained in a lockup, regardless of adjudication status.

Direct Staff Supervision: Security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee: A person who works directly for the agency or facility.

Facility: A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

FCSO Victim Advocate: The staff member(s) assigned by the Sheriff to meet with inmates victimized by sexually abusive behavior in order to educate them as to the treatment services available to them, and to inform them as to the status of the investigation, disciplinary, and classification processes pertaining to the alleged claim of sexually abusive behavior.

Inmate: Any person incarcerated or detained at the Franklin County Jail and House of Correction, or who is under custodial supervision of staff members at the Franklin County Jail and House of Correction.

Intimacy: Any behavior not defined as sexual contact or sexual abuse of an inmate including kissing, touching parts of the body not defined under sexual

abuse or other related acts including, but not limited to, sending and/or receiving letters/cards/gifts, receiving or sending texts to an inmate, or receiving phone calls from an inmate. Intimate relationships between staff and inmates are expressly prohibited.

Jail: A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Massachusetts Staff Sexual Misconduct Law: MGL c268 s21A - This law removes the ability of an inmate in any correctional institution to consent to engage in sexual relations with any Sheriff's Office employee, contractor or volunteer. Violation of this statute is a felony with a term of imprisonment of up to 5 years or a fine of up to \$ 10,000.00. Violation of this law constitutes rape and/or sexual assault.

Mental Health Practitioner: A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Physical Assault: Any action taken by an individual which is deemed as causing injury or potential injury to another individual. Any deliberate contact, either physical via an object or through bodily fluids, perpetrated by one individual toward another.

PREA (Prison Rape Elimination Act of 2003): Federal legislation (Public Law No. 108-79), enacted in 2003 to provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.

PREA Manager: The senior level manager appointed by the Sheriff who is responsible for implementing and monitoring this General Order, and for coordinating compliance by the Franklin County Sheriff's Office with the Prison Rape Elimination Act of 2003.

PREA Safety Plan: A plan devised to ensure that a facility's physical plant and operational systems are assessed periodically in relation to National Prison Rape Elimination Commission standards as well as performance measures of the Franklin County Sheriff's Office.

SANE (Sexual Assault Nurse Examiner) Program: Delivers coordinated expert forensic and medical care necessary to increase successful prosecution of sex offenders and to assure essential medical intervention to victims of assault who are examined at SANE designated emergency hospital.

Prison: An institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident: Any person confined or detained in a juvenile facility or in a community confinement facility.

Sexual Abuse: Shall include, but not be limited to, the subjecting of another person who is incapable of giving consent by reason of his/her custodial status, to sexual contact by persuasion, inducement, enticement or forcible compulsion.

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.

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.

Sexual Contact: Shall include but not be limited to carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling or molestation of a person (doesn't matter whether or not it's against his/her will), rape, or otherwise sexually exploiting another person, e.g. compelling them to perform acts of prostitution.)

Sexual Assault Investigator: The Franklin County Sheriff's Office employee(s) assigned by the Superintendent to investigate allegations of sexually abusive behavior.

Sexually Abusive Behavior: The term used in this policy to describe all prohibited sexual behavior. Sexually abusive behavior includes acts of intimacy, sexual contact, sexual abuse and staff sexual misconduct as defined in this section.

Sexual Harrasment: Sexual Harassment includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
2. 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.

Staff Sexual Misconduct: Conduct of a sexual or intimate nature by an employee, contractor or volunteer that is directed toward any individual who is under the care, custody, or supervision of the Sheriff's Office. Sexual misconduct shall include acts or attempts to commit acts of Sexual Relations, Sexual Contact, Sexual Abuse, or Intimacy. (Refer to General Order 519, [Staff Sexual Contact with Inmates](#))

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

Unsubstantiated Allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer: Any individual who donates time and effort on a recurring basis to enhance the activities and programs of the Franklin County Sheriff's Office.

Voyeurism: an 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.

.04 Contracting with other entities for confinement of inmates (115.12)

The Franklin County Sheriff's Office does not contract for the confinement of inmates with private agencies or other entities.

.05 Supervision and Monitoring (115.13)

1. Security Staff Analysis

- a. The Office of the Sheriff shall conduct a security staff analysis at least annually. Generally, the analysis shall be conducted as part of the upcoming year's budget request and spending plan process, and shall be reviewed and approved by the Superintendent.
- b. The analysis shall take into consideration, at a minimum, the following information:
 - Each security post
 - Each shift the post is covered
 - The days per week the post is covered
 - The *Standard Relief Factor* to be applied
 - The total complement of security staff needed to fill all posts

In conducting the analysis, consideration shall be given to the prevalence and/or seriousness of incidents, particularly PREA incident, which may have occurred in certain locations or areas of the facility.

- c. The security staffing analysis is based on a 4 & 2 work schedule and a formula that includes each Officer utilizing (on average):
- 5 personal days;
 - 14 vacation days;
 - 10 training days;
 - 6 days of sick leave;
 - 11 holidays; and,
 - 122 regular days off.

As a result, each officer is available to cover a post 197 days per year.

7 Day Posts These posts must be covered 365 work days per year, which correlates to a “standard relief factor” of .85. (1.85 staff members are needed to fill a seven day post).

Shifts to be covered	365
Less shifts covered by one officer	<u>197</u>
Remaining shifts to be covered	168

168 remaining shifts divided by 197 equals .85

5 Day Posts These posts must be covered 5 days per week, or 260 work days per year, which correlates to a “standard relief factor” of .32.

Shifts to be covered	260
Less shifts covered by one officer	<u>197</u>
Remaining shifts to be covered	63

63 remaining shifts divided by 197 equals .32

- d. It is recognized that not all security posts require relief coverage, and that the staffing analysis shall take this into consideration. Examples of posts that do not require relief coverage are: Vehicle Maintenance; Grounds Maintenance; Community Service, etc.
- e. The Standard Relief Factors used by the Sheriff's Office are consistent with those utilized by other county and state correctional facilities for determining staffing needs.
- f. The Office of the Sheriff shall require that when both males and females

are housed in the facility at least one male and one female staff members are on duty at all times.

2. Staffing plan and video monitoring

The FCSO has developed and implemented a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. General Order 510, [Staffing Analysis](#), describes the methodology used in completing the analysis and requires that the plan be reviewed and updated as necessary at least annually. The FCSO maintains a permanent roster of staffing by date and shift, and Superintendent/Special Sheriff routinely reviews the rosters to ensure the staffing plan is properly implemented.

The FCSO Medium Security facility was opened in 2007. A principal factor during the design phase of the facility was direct inmate supervision by staff, enhanced with state of the art video monitoring of all occupied and unoccupied areas, including stairwells, hallways, sallyports, and exit areas.

Consistent with the FCSO inmate classification system (refer to General Order 420, [Classification](#)), the composition of the inmate population assigned to lower security housing areas require less direct staff supervision and video monitoring, and the facility's staffing plan and video monitoring systems have been designed to reflect this reality.

On at least an annual basis, the FCSO shall review, and when necessary revise, the staffing analysis and video monitoring capabilities. In conducting the review, consideration shall be given to the prevalence and/or seriousness of incidents which may have occurred in certain locations or areas of the facility.

During each shift, supervisory personnel are required to conduct an inspection of each inmate housing and activity area. These inspections shall be unannounced, and staff members shall be prohibited from alerting other staff members of upcoming inspections.

.06 Youthful Offenders (115.14)

The Franklin County Sheriff's Office does not hold youthful offenders under the age of 18 per the State of Massachusetts General law, Part I, Title XVII, Chapter 119 and Section 58.

.07 Cross-gender Viewing and Searches (115.15)

1. Strip Searches

- a. Strip searches shall be conducted in relative privacy by Officers of the same gender identity as the inmate. If at any point during the inmate's incarceration it is learned that their gender identity is different than their assigned gender, and was not disclosed earlier, the officer supervising the search will complete a "Statement of Search Acknowledgement and Accommodation Form" and forward it to the Records department for inclusion in the inmate's institutional file. The Officer's gender identity shall be consistent with the inmate's request and shall not be conducted for the purpose of determining genital status.
- b. Strip searches or examinations of a transgendered or intersex inmate for the sole purpose of determining the inmate's genital status is prohibited. If an inmate's genital status is unknown, it shall be learned through conversations with the inmate, medical records or information as part of a broader medical examination conducted in private by a qualified medical practitioner.
- c. Inmates shall be able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia except in exigent circumstances when such viewing is incidental to routine cell checks.

2. Pat Searches

- a. Cross gender pat searches of male and female inmates are not allowed, absent exigent circumstances. In the event there is a cross gender pat search of a male or female inmate, the search must be conducted in relative privacy with as much dignity as possible and the Officer shall submit a written report to the Superintendent/Special Sheriff.
- b. Pat searches of a transgendered or intersex inmate for the sole purpose of determining the inmate's genital status is prohibited.

3. Housing Unit Gender Announcement

In accordance with Standard 28CFR 115.15, the Franklin County Sheriff's Office shall implement policies and procedures that enable inmates to shower, perform bodily functions and change clothes without

nonmedical staff of the opposite gender viewing their breast, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This requires staff of the opposite sex to announce their presence when entering offender housing units.

In order to comply with the above mentioned standard the Franklin County Sheriff's Office shall immediately implement the following procedure.

- When security staff of the opposite gender begins their shift in an offender housing unit, the staff person shall make the following announcement, "male or female on the unit for the shift." The security staff person shall document in the daily log that the announcement was made.
- Additional announcements will be made throughout the shift when there is a change in gender within the unit. The security staff person shall document in the daily log that the announcement was made.

During sleeping hours, the announcements shall still be made, but in a manner intended to alert the awake, but not wake the sleeping.

.08 Inmates with Disabilities (115.16)

1. Policy

- a. It is the policy of the Franklin County Sheriff's Office to ensure that programs of the Office are readily accessible and usable by handicapped persons unless such accommodation would materially impair the safe and efficient operation of the program, present a safety hazard to the individual person, or threaten the security of the facility.
- b. Programs will operate in a manner which provides for the full and nondiscriminatory participation of the eligible handicapped in all areas which do not threaten the security of the institutions or the personal safety of the handicapped person.
- c. Pursuant to the Americans with Disabilities Act, the Sheriff's Office will make reasonable accommodations to a known physical or mental limitation of an otherwise qualified handicapped employee unless the Office can demonstrate that this accommodation would cause undue hardship to the facility or the facility's operation.

2. Inmate Education

- a. New inmate admissions to the FCSO shall receive oral and video presentations about prisoner sexual violence in English and/or Spanish. All written orientation materials about sexually abusive behavior shall be provided in English and Spanish. Other non-English speaking inmates shall receive translation into their own language via the telephonic interpreter service. When a literacy problem exists, a staff member assists the inmate in understanding the problem.

3. Screening, Identification and Reporting

- a. The use of inmate interpreters, inmate readers or other type of inmate assistants, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responders or the investigation of the inmate's allegations are prohibited.

.09 Hiring and Promotion (115.17)

1. Selection Process

- a. In accordance with state and federal statutes, the county correctional facility shall conduct a criminal record check on all new employees to ascertain whether there are criminal convictions which may have a specific relationship to job performance.
- b. In accordance with the Prison Rape Elimination Act, the agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:
 - Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - Has been civilly or administratively adjudicated to have engaged in the activity described above.
 - Any staff member promoted shall have a CORI check and answer truthfully, all questions to the PREA inquiries form

provided by the Human Resources Division.

2. Staff promotion

- a. In accordance with Prison Rape Elimination Act, the Sheriff's Office will conduct a CORI check on each employee considered for promotion.

3. Staff Retention

- a. In accordance with the Prison Rape Elimination Act, the Sheriff's Office will conduct a CORI check on every employee and contractor who may have contact with inmates at least every five years.

.10 Upgrades to Facilities and Technologies (115.18)

1. Sexual Abuse Incident Review

- a. The review team shall:
 - i. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - ii. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
 - iii. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so

.11 Evidence protocol and Forensic Medical Examinations (115.21)

1. Intervention

- a. Immediate Response to Sexually Abusive Behavior Complaints
 - i. The facility shall develop an Emergency Response Plan and PREA response kits containing the items necessary to facilitate their response to potential PREA events. Response plans should include, but not be limited to the following actions.
 - ii. In the event that an inmate reports that he/she has been sexually abused by another inmate or a staff member, the FCSO employee, contractor or volunteer receiving such complaint shall take the following steps:

- iii. Separate the alleged victim and abuser and immediately notify the shift commander;
- iv. The shift commander shall secure the crime scene for subsequent crime scene processing;
- v. If the abuse occurred within a time period that still allows for the collection of physical evidence, request the victim does not wash, brush their teeth, change clothes, use the toilet, drink or eat.
- vi. Make note of the behavior and appearance of the inmate(s) and identify any witnesses to the event;
- vii. Ensure that the inmate victim is immediately taken to the institution health services unit for emergency medical care/mental health treatment;
- viii. If an inmate reports they were sexually abused while confined at another facility, the staff member receiving the report must notify the Superintendent. Notification by the Superintendent to the appropriate staff at the facility where the sexual abuse is alleged to have occurred must be made within 72 hours of the inmate reporting it to staff.
- ix. Enter detailed information into OMS incident screen before the end of the shift.

b. Investigation Response to Sexually Abusive Behavior

- i. The assigned sexual assault investigator shall ensure that all evidence collected at any hospital (Sexual Assault Evidence Collection Kit/Rape Kit) is transported to the State Police Laboratory as soon as possible. Evidence retained in excess of twenty-four (24) hours (weekends/holidays), shall be properly refrigerated;

Any potential witnesses shall be interviewed in an attempt to corroborate the victim's statements or to identify any suspect (s). Care should be taken to ensure the safety and security of potential witnesses from retribution or retaliation, and if necessary and warranted, potential inmate witnesses shall be afforded opportunities for changes in housing placement,

more secure housing, and/or accelerated classification for transfer;

- ii. If sufficient information or evidence is obtained during the investigation, a disciplinary report shall be issued.

2. Investigation of Sexually Abusive Behavior Complaints

- a. The Franklin County Sheriff's Office shall use all available means to fully investigate and address all allegations and incidents of sexually abusive behavior, which includes notification from other facilities or agencies that an inmate alleged the incident occurred at the Franklin County Sheriff's Office. Within seventy-two (72) hours of the reported incident, it shall be the responsibility of the Critical Incident Review Board to review and assess all reports of allegations and incidents of sexually abusive behavior and determine if the appropriate course of action has been followed. The Superintendent shall notify the PREA Manager of such events and will ensure that a case file is promptly opened in the PREA Database.
- b. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- c. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

3. Sexually Abusive Behavior Between Inmates

- a. Investigations of reported incidents of alleged sexually abusive behavior between inmates shall be initiated by the Superintendent utilizing facility investigative staff. The investigator assigned by the Superintendent shall be responsible for producing an investigative report and completing the PREA Database case file within thirty (30) days. Extensions may be requested to, and granted by the PREA Manager for good cause.

4. Staff Accused of Sexually Abusive Behavior with Inmates

- a. If a staff member is accused of sexually abusive behavior with an inmate, the Superintendent shall request an investigation and alert the PREA manager. The staff member may be placed on "no inmate contact status" or "suspended with pay status" by the Sheriff and pending the outcome of the investigation, terminated. Contractors who are accused of sexually abusive behavior may be removed from the facility until the investigation is completed. All volunteers who are accused shall be barred from entering the facility until the investigation is completed.

.12 Policies to make Referrals of Allegations for Investigations (115.22)

1. Investigation of Sexually Abusive Behavior Complaints

- a. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- b. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- c. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- d. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- e. Administrative investigations shall:
- f. include an effort to determine whether staff actions or failures to act contributed to the abuse; and

- g. 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.
- h. 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.
- i. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- j. The agency shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- k. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- l. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- m. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

.13 Employee Training (115.31/ 115.32)

1. Training for Correction Officers

- a. Basic Training Academy for New Correction Officers - New Correction Officers (whether hired full-time or part-time) shall participate in a Basic Training Academy prior to being independently assigned to a post or assignment. The Basic Training Academy consists of, at a minimum, 160 hours of training in both classroom and practical settings. The Basic Training Academy shall include, but not be limited to, the following subject matters:
 - CPR
 - First Responder
 - Firearms
 - Chemical Agents
 - Use of Force
 - Defensive Tactics
 - Disorder Management
 - Communicable Diseases
 - Security Procedures
 - Key Control

- Scott Air Pak
- PREA
- Gender & Trauma Responsive Correction
- Searches and Contraband
- Report Writing
- Ethics & Professionalism
- Inmate Rules/Regulations
- Employee Rules/Regulations
- Sexual Harassment
- Emergency Response
- Evacuation Procedures
- Fire Safety
- Transgender Care, Advocacy & Treatment

b. Annual Training Requirement for Correction Officers – Correction Officers shall receive at least 40 hours of in-service training each year following their first year of employment. The actual training provided to Correction Officers during in-service training will be determined based upon the training needs of the Officers, but will generally include subject matters such as:

- CPR
- First Responder
- Philosophy and Goals of the Sheriff's Office
- Chemical Agents
- Communicable Diseases
- Use of Force
- Security Procedures
- Searches and Contraband
- Report Writing
- Disciplinary Procedures
- Ethics & Professionalism
- Counseling Techniques
- CORI Regulation
- Inmate Classification
- Sexual Harassment
- Interpersonal Relations
- Disorder Management
- Emergency Response
- Evacuation Procedures
- Fire Safety
- Institution Tour
- Key Control
- Scott Air Pak
- Inmate Supervision
- Cultural Diversity
- PREA
- ADA
- Suicide Prevention
- Firearms
- Gender & Trauma Responsive Correction
- Transgender Care, Advocacy & Treatment
- Transportation
- Social/Cultural Lifestyles
- Communication Skills
- Inmate Rights / Responsibilities
- Inmate Rules/ Regulations
- Employee Rules / Regulations

2. Training for Support Employees

- a. Training for New Support Employees - All new full time Support employees shall receive 40 hours of orientation training prior to being independently assigned to a particular job. At least 16 hours shall be classroom training covering, at a minimum, the following: Inmate Rules and Discipline; Fire Safety; Emergency Procedures; PREA (with specialized training for sexual abuse/misconduct for medical staff); Security Procedures; and, Philosophy and Goals of the Sheriff's Office. Additionally, during the first year of employment, new Support Employees will be provided an additional 40 hours of training which shall include CPR and First Aid. Other components of the training provided shall be determined based on the needs of the employee.
- b. Annual Training Requirement for Support Employees – Support Employees shall receive at least 40 hours of in-service training each year following their first year of employment. The actual training provided to Support Employees during in-service training will be based upon the training needs of the employee, but will include subject matters such as:
 - CPR
 - First Responder
 - Security Procedures
 - Inmate Rights & Responsibilities
 - Communication Skills
 - ADA
 - PREA
 - Emergency Procedures
 - Interpersonal Procedures
 - Suicide Prevention
 - Transgender Care, Advocacy & Treatment
 - Gender Trauma & Responsive Correction

3. Training for Part Time and Contractual Staff

Part Time and Contractual staff shall be provided with formal orientation appropriate to their assignment and shall agree in writing to abide by all Orders and Directives of the Office, particularly those relating to security, PREA and the confidentiality of information.

4. Training and Education

The Training Division and the PREA Manager shall develop and maintain a training plan to ensure that all Franklin County Sheriff's Office employees and contractors are educated regarding their responsibilities to prevent and report incidents of sexually abusive

behavior. In addition, a training plan for specialized staff will be developed and maintained on how to respond to and investigate PREA incidents.

Medical staff receive a one-time training in the form of the four PREA training Modules available from the National Commission for Correctional Health Care. This is in addition to the annual PREA training that all staff members receive.

The Assistant Superintendent of Programs is responsible for educating volunteers regarding their responsibilities to prevent and report incidents of sexually abusive behavior.

5. Interdiction

The Superintendent shall maintain a list of known victims and known predators housed to the facility, and shall develop procedures which in order to monitor the behavior and wellbeing of the inmates identified on the list. The Superintendent shall ensure that FCSO employees, contractors, and volunteers readily file reports regarding suspicions of sexually abusive behavior or related activities. Investigators shall follow-up on such reports by interviewing staff and inmates, and developing intelligence as appropriate.

On an annual basis, the Superintendent shall insure that every Franklin County Sheriff's Office employee, contractor and volunteer assigned to the facility has their home phone numbers and/or cell phone numbers checked against the inmate telephone database. Any positive matches shall be reported for appropriate action.

.14 Inmate Education (115.33)

1. Inmate Education

The PREA Manager develops and implements a plan to educate and inform inmates about prisoner sexual violence. The plan shall include oral and written information regarding prevention/intervention, self-protection, reporting sexual abuse/assault, and treatment and counseling. The content of the plan shall be gender specific as appropriate.

New inmate admissions to the FCSO shall receive oral and video presentations about prisoner sexual violence in English and/or Spanish. All written orientation materials about sexually abusive behavior shall be provided in English and Spanish. Other non-English speaking inmates shall receive translation into their own language via the telephonic

interpreter service. When a literacy problem exists, a staff member assists the inmate in understanding the problem.

2. Orientation and Housing for New Commitments

All inmates and detainees will be required to attend Orientation which will include, at a minimum, information on the following subjects:

- Inmate Rules and Discipline
- Description and Availability of Programs and Services
- Canteen and Inmate Funds
- Classification and Work Assignments
- Visiting Program
- Recreation
- Inmate Property
- Parole
- Medical Services
- Mail
- Telephone Services
- HIV/Aids Education
- PREA (Prison Rape Elimination Act)

.15 Specialized Training: Investigations (115.34)

1. Training and Education

The Training Division and the PREA Manager shall develop and maintain a training plan to ensure that all Franklin County Sheriff's Office employees and contractors are educated regarding their responsibilities to prevent and report incidents of sexually abusive behavior. In addition, a training plan for specialized staff will be developed and maintained on how to respond to and investigate PREA incidents.

The Assistant Superintendent of Programs is responsible for educating volunteers regarding their responsibilities to prevent and report incidents of sexually abusive behavior.

.16 Specialized Training: Medical and Mental Health Care (115.35)

1. Training and Education

Medical staff receive a one-time training in the form of the four PREA training Modules available from the National Commission for

Correctional Health Care. This is in addition to the annual PREA training that all staff members receive.

.17 Screening for Risk of Victimization and Abusiveness (115.41)

1. Screening, Identification and Reporting

All inmates are screened within 24 hours of arrival at the FCSO for potential vulnerabilities as victim or for potential sexually aggressive or predatory behavior.

a. Inmates at risk or who have a history of inmate sexual abuse victimization:

- i. All inmates entering the FCSO, and upon subsequent transfer from another correctional facility, shall be screened within twenty-four (24) hours by a qualified medical professional for a history of and the risk for inmate sexual abuse victimization in accordance with Medical Division policy JE-02, Receiving Screening.
- ii. Inmates identified through self-reporting or medical reports as having a history of sexual abuse victimization and/or at risk of being a victim of inmate sexual abuse shall be referred to a mental health clinician for assessment, monitoring, and counseling. Such reports shall be documented in the appropriate OMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g., investigation, housing assignment) are taken.
- iii. Upon learning that an inmate has been identified as having been a victim or predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the inmate. Where double bunking is necessary, the staff members making assignments shall rely upon standard guidelines for cell matching and good judgment in selecting a cellmate for the inmate. Similar consideration shall be given for placement of an inmate in a dormitory setting.
- iv. When the Franklin County Sheriff's Office learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

b. Inmates with a history of or at risk of inmate predatory sexually

abusive behavior:

The Franklin County Sheriff's Office is committed to working with the National Institute of Correction and other outside agencies to develop tools to increase the likelihood of identifying potential predators of sexually abuse behavior. Where those tools exist and can be administered, those identified shall be referred to appropriate institutional programming. The program referral shall be made part of the inmates individualized program plan in accordance with General Order 420 [Classification](#). Every effort shall be made to have programming available to these identified inmates.

- c. Inmates with a history of engaging in sexually abusive behavior:
 - i. All inmates entering the FCSO, and upon subsequent transfer from another correctional facility, shall be screened within twenty-four (24) hours by a qualified medical professional for a history of sexually abusive behavior. Inmates identified through self-reports or medical reports as having a history of sexually abusive behavior shall be documented in the appropriate OMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g. investigation, housing assignment, referral to treatment program) are taken.
 - ii. Booking officer(s) shall also screen inmates for a history of sexually abusive behavior by conducting a review of criminal record information, (e.g., judgment and commitment orders; 6 part record; board of probation). Inmates identified as having a history of sexually abusive behavior not previously identified, shall be documented in the appropriate OMS screen and a confidential incident report submitted to the Superintendent.
- d. Within 30 days of each inmate's arrival, the FCSO will reassess an inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. The Superintendent/Special Sheriff shall be informed of any such reassessment.
- e. An inmate's risk level shall be reassessed when warranted due to referral, request, and incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

- f. Staff shall accept reports of sexual harassment and sexual abuse made verbally, in writing, anonymously, and from third parties.
- g. Inmates shall not be disciplined for refusing to answer or not completely disclosing information during the screening process.

.18 Use of Screening Information (115.42)

1. Inmate Protection

It is the policy of the Franklin County Sheriff's Office to protect inmates from mental and personal abuse, corporal or cruel or unusual punishment, personal injury, disease, property damage, humiliation, harassment or punitive interference with the daily functions of living, such as eating or sleeping. This policy shall be reflected in the all operational policies and procedures, training curriculum, and practices of the agency.

2. Housing Cell Assignments

Single occupancy cells/rooms may be made available, when indicated, to the following:

- inmates with severe medical disabilities;
- inmates suffering from serious and persistent mental illness;
- inmates with a documented history of predatory behavior;
- inmates with a documented history of being sexually victimized;
- inmates likely to be exploited by others;
- inmates who are developmentally disabled;
- inmates who have other special needs for single housing.

Note: "When indicated" refers to determinations made by the classification system, medical diagnosis, or other professional conclusions.

3. Staff/Inmate Communication

- a. The Franklin County Sheriff's Office shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b. The Franklin County Sheriff's Office shall make individualized determinations about how to ensure the safety of each inmate.

- c. In deciding whether to assign a transgender or intersex inmate to the Franklin County Sheriff's Office for male or female inmates, and in making other housing and programming assignments, the Franklin County Sheriff's Office shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- d. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- e. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- f. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- g. The Franklin County Sheriff's Office shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated units solely on the basis of such identification or status, unless such placement is in a dedicated unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

4. Housing Cell Assignments

Staff shall avoid placing known or potential victims with known or potential predators. Further, staff shall consider matching other factors such as length of sentence, age, medical, and mental health issues, size and weight as matching these characteristics may result in a positive housing situation.

Staff shall make different housing unit assignments for inmates who are known or potential victims from those who are known or potential predators. The Superintendent/Special Sheriff may make exceptions to this strategy for security, medical or programmatic reasons. The Superintendent/Special Sheriff shall document these exceptions.

5. Policy

Housing and program assignments for transgender or intersex inmates will be made on a case-by-case basis.

6. State Inmate Classification

Formal classification of State Inmates is completed by FCSO Classification personnel in accordance with 103 CMR 420, Classification. However, State

Inmates shall be required to complete the orientation program and, consistent with DOC requirements, are subject to decisions of the Classification Committee and Reviewing Authorities regarding housing, work, and program assignments. State Inmates that are transferred to the FCSO through the DOC Step-Down Program, shall be Classified through the same process as a County Inmate, with the exception of GPS. The DOC has stipulated that if FCSO classifies a DOC Step-Down Inmate to GPS, it must first be approved by the DOC Classification Division.

.19 Protective Custody (115.43)

1. Involuntary Segregation

- a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Franklin County Sheriff's Office cannot conduct such an assessment immediately, the Franklin County Sheriff's Office may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- b. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the Franklin County Sheriff's Office restricts access to programs, privileges, education, or work opportunities, the Franklin County Sheriff's Office shall document:
 - i. The opportunities that have been limited;
 - ii. The duration of the limitation; and
 - iii. The reasons for such limitations.
- c. The Franklin County Sheriff's Office shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- d. If an involuntary segregated housing assignment is made pursuant to paragraph 1 of this section, the Franklin County Sheriff's Office shall clearly document:
 - i. The basis for the Franklin County Sheriff's Office concern for the inmate's safety; and

- ii. The reason why no alternative means of separation can be arranged.
- e. Every 30 days, the Franklin County Sheriff's Office shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

.20 Inmate Reporting (115.51)

1. Screening, Identification and Reporting

- a. Staff shall accept reports of sexual harassment and sexual abuse made verbally, in writing, anonymously, and from third parties.
- b. Staff may privately report sexual abuse or sexual harassment of inmates by notifying the Superintendent, PREA Coordinator or shift commander by phone, in person or by confidential intelligence reports.

2. Interdiction

A Franklin County Sheriff's Office hotline shall be designated within the inmate telephone system that inmates may use to alert appropriate staff about possible cases of sexually abusive behavior. The hotline telephone shall be conspicuously posted in each inmate housing unit. This number shall allow for universal and unimpeded access by all inmates at the FCSO, and shall be listed in all facility inmate orientation manuals.

.21 Exhaustion of Administrative Remedies (115.52)

1. Sexual Abuse/ Harassment Grievance

- a. There is no time limit when an inmate submits a grievance regarding an allegation of sexual abuse.
- b. Grievances alleging sexual abuse are responded to within ninety (90) days of the initial filing. If this time period is insufficient to make an appropriate decision, an extension of up to seventy (70) days may be claimed. The inmate will be notified in writing of any such extension which includes a date by which a decision will be made.
- c. In cases involving allegations of sexual abuse, an inmate may submit a grievance without submitting it to a staff member who is the subject of the complaint.
 - i. In these cases, an inmate may submit a grievance to staff outside of their pod/unit.

- ii. The Grievance Coordinator is responsible for notifying the PREA Manager to begin an investigation.
- d. Grievances of an emergency nature, e.g. injury or other damages shall be prioritized as necessary.
 - i. Grievances alleging an individual is at risk of imminent sexual abuse shall be categorized as an emergency grievance.
 - ii. Upon receiving the emergency grievance, staff will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a supervisor for review at which immediate corrective action may be taken.
 - 1. The Supervisor will also notify the PREA Coordinator and PREA Manager.
 - iii. An initial response shall be provided within forty-eight (48) hours with a final decision being issued within five (5) calendar days. The initial response and final FCSO decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

.22 Inmate/Resident Access to Outside Confidential Support Services (115.53)

- 1. See attached document (reference number), for full MOU between FCSO and NELCWIT.

.23 Third Party Reporting (115.54)

- 1. Screening, Identification and Reporting

Staff shall accept reports of sexual harassment and sexual abuse made verbally, in writing, anonymously, and from third parties.

.24 Staff and Agency Reporting Duties (115.61)

- 1. Interdiction

The Superintendent shall maintain a list of known victims and known predators housed to the facility, and shall develop procedures which in order to monitor the behavior and wellbeing of the inmates identified on the list. The Superintendent shall ensure that FCSO employees,

contractors, and volunteers readily file reports regarding suspicions of sexually abusive behavior or related activities. Investigators shall follow-up on such reports by interviewing staff and inmates, and developing intelligence as appropriate.

2. Confidentiality

Apart from reporting to the shift commander or designated staff, staff shall not disclose or reveal any information about sexual abuse to anyone other than the extent necessary to make treatment, investigation and other security management decisions.

3. Screening, Identification and Reporting

- a. The Franklin County Sheriff's Office shall require all staff to report knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the Franklin County Sheriff's Office; 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.
- b. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.
- c. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (j) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

.25 Agency Protection Duties (115.62)

1. Screening, Identification and Reporting

When the Franklin County Sheriff's Office learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

.26 Reporting to Other Confinement Facilities (115.63)

1. Immediate Response to Sexually Abusive Behavior Complaints

If an inmate reports they were sexually abused while confined at another facility, the staff member receiving the report must notify the Superintendent. Notification by the Superintendent to the appropriate staff at the facility where the sexual abuse is alleged to have occurred must be made within 72 hours of the inmate reporting it to staff.

.27 Staff First Responder Duties (115.64)

1. Immediate Response to Sexually Abusive Behavior Complaints

The facility shall develop an Emergency Response Plan and PREA response kits containing the items necessary to facilitate their response to potential PREA events. Response plans should include, but not be limited to the following actions.

In the event that an inmate reports that he/she has been sexually abused by another inmate or a staff member, the FCSO employee, contractor or volunteer receiving such complaint shall take the following steps:

- a. Separate the alleged victim and abuser and immediately notify the shift commander;
- b. The shift commander shall secure the crime scene for subsequent crime scene processing;
- c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request the victim does not wash, brush their teeth, change clothes, use the toilet, drink or eat.
- d. Make note of the behavior and appearance of the inmate(s) and identify any witnesses to the event;
- e. Ensure that the inmate victim is immediately taken to the institution health services unit for emergency medical care/mental health treatment;
- f. If an inmate reports they were sexually abused while confined at another facility, the staff member receiving the report must notify the Superintendent. Notification by the Superintendent to the appropriate staff at the facility where the sexual abuse is alleged to have occurred must be made within 72 hours of the inmate reporting it to staff.
- g. Enter detailed information into OMS incident screen before the end of the shift

.28 Coordinated Response (115.65)

1. Immediate Response to Sexually Abusive Behavior Complaints

The facility shall develop an Emergency Response Plan and PREA response kits containing the items necessary to facilitate their response to potential PREA events. Response plans should include, but not be limited to the following actions.

In the event that an inmate reports that he/she has been sexually abused by another inmate or a staff member, the FCSO employee, contractor or volunteer receiving such complaint shall take the following steps:

- a. Separate the alleged victim and abuser and immediately notify the shift commander;
- b. The shift commander shall secure the crime scene for subsequent crime scene processing;
- c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request the victim does not wash, brush their teeth, change clothes, use the toilet, drink or eat.
- d. Make note of the behavior and appearance of the inmate(s) and identify any witnesses to the event;
- e. Ensure that the inmate victim is immediately taken to the institution health services unit for emergency medical care/mental health treatment;
- f. If an inmate reports they were sexually abused while confined at another facility, the staff member receiving the report must notify the Superintendent. Notification by the Superintendent to the appropriate staff at the facility where the sexual abuse is alleged to have occurred must be made within 72 hours of the inmate reporting it to staff.
- g. Enter detailed information into OMS incident screen before the end of the shift.

2. Medical Response to Sexually Abusive Behavior Complaints

- a. A qualified health care professional shall evaluate and document the extent of physical injury and provide emergency medical treatment as needed without disturbing any evidence of alleged sexual assault;

- b. An emergency mental health referral to the on-site mental health professional shall be made following the completion of the medical evaluation;
- c. Upon completion of the medical and mental health evaluation, the Superintendent or designee, in consultation with medical and mental health personnel, shall determine whether a referral to an outside hospital with a rape crisis unit is warranted. Factors to be considered are the time frame between the alleged assault and complaint, as well as the extent and nature of the allegation.
- d. If the determination is made that the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to an outside hospital with a SANE program where they shall receive essential medical intervention to include preventative treatment for HIV, sexually transmitted diseases and pregnancy, if appropriate.
- e. Upon return from the outside hospital, the inmate victim shall be brought to the Health Services Unit for appropriate follow-up care, to include a mental health screening by qualified contractual health care personnel. If during this screening there are any indications that the inmate victim is at risk to hurt his or herself or others, a mental health professional shall be immediately notified. Otherwise, the inmate victim shall be seen by a mental health professional within twenty-four (24) hours or no later than the next business day to assess the need for crisis intervention and long-term counseling in accordance with General Order 525, [Suicide Prevention](#).
- f. To avoid the potential for secondary victimization, an inmate victim may be allowed to refuse rape crisis intervention treatment at an outside hospital. In these situations, the inmate victim shall be permitted to refuse treatment at the institution. Before the refusal is accepted, the Franklin County Sheriff's Office contractual medical and mental health provider shall attempt to persuade the inmate to go to the outside hospital for treatment. In cases where the inmate victim continues to refuse, the inmate victim shall be required to sign a Refusal of Treatment form. Provisions shall be made for testing sexually transmitted diseases (e.g., HIV, gonorrhea, hepatitis) as well as prophylactic treatment, follow-up care and counseling.
- g. The Superintendent, with input as requested from a mental health professional, shall determine an appropriate housing assignment

for the inmate victim;

- h. A victim advocate shall be assigned by the Superintendent to meet with the inmate victim. The victim advocate shall keep the inmate victim informed of his/her status and as appropriate, the disciplinary and criminal prosecution of the alleged perpetrator. The advocate shall make the inmate victim aware of the short and long term services available to them.
- i. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- j. Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with an investigation arising from the incident.
- k. Medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse shall be offered. The evaluation and treatment shall include, as appropriate, follow-up services treatment plans and when necessary, continued care after transfer to or placement in other facilities or their release from custody. The medical and mental health services shall be consistent with the community level of care and at no financial cost to the victim.
- l. Tests for pregnancy and sexually transmitted infections as medically appropriate shall be offered at no financial cost to the victim. If a pregnancy results from sexual abuse, victims shall receive timely and comprehensive information about timely access to all lawful pregnancy related medical services at no financial cost to the victim.

3. Security Response to Sexually Abusive Behavior Complaints

- a. Evidence collected at an outside hospital involving allegations of inmate on inmate sexually abusive behavior shall be retained by the transporting officer. In instances where the alleged perpetrator is a staff member, the outside hospital staff shall notify the State Police who shall transport any evidence collected to the State Police Crime Lab for analysis;

- b. The FCSO employee, contractor or volunteer receiving such a complaint shall follow facility notification procedures, including the filing of an incident report;
- c. Security Supervisors shall complete the "PREA Incident Form" ([Attachment A](#)) to gather as much information as possible regarding the incident.
- d. The Assistant Superintendent of Security shall be notified during business hours (Monday-Friday 8:00am - 4:00pm) by telephone at 413-774-4014 extension 2183, and during non-business hours at 413-512-9286.
- e. If the Superintendent believes that a felony may have been committed, the jurisdictionally appropriate district attorney's office and the State Police Detective Unit (SPDU) assigned to said district attorney's office shall be notified and the Franklin County Sheriff's Office shall seek assistance and begin a cooperative investigation with these agencies. The Superintendent shall identify in writing, as an attachment to this policy, the phone numbers of the jurisdictionally appropriate district attorney's office and the State Police assigned to the district attorney's office;
- f. If an inmate's involvement in the alleged sexually abusive behavior is suspected, he/she shall be placed in a secure setting pending investigation;
- g. The Superintendent shall ensure that appropriate documentation is entered into OMS.

.29 Preservation of Ability to Protect Inmates from Contact with Abusers (115.66)

The Franklin County Sheriff's Office does not enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

.30 Agency Protection Against Retaliation (115.67)

1. Retaliation

- a. Retaliation by any employee against another employee, contractor, volunteer or inmate for reporting complaints of sexually abusive

behavior, assisting in making such a report, or for cooperating in the investigation of such a complaint regardless of the merits or disposition of the complaint is prohibited. All staff must immediately report any such incident of retaliation. Any such occurrence is a very serious matter that may result in discipline up to and including termination.

- b. The agency shall protect all inmates and staff from retaliation for reporting sexual abuse and sexual harassment or cooperating with investigations.
- c. The PREA Coordinator or PREA Compliance Manager shall monitor the treatment of inmates and staff who report or cooperate with investigation for at least 90 days following reporting or cooperation. Monitoring shall include periodic status checks and written documentation.
- d. The agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

2. Investigation Response to Sexually Abusive Behavior

Any potential witnesses shall be interviewed in an attempt to corroborate the victim's statements or to identify any suspect(s). Care should be taken to ensure the safety and security of potential witnesses from retribution or retaliation, and if necessary and warranted, potential inmate witnesses shall be afforded opportunities for changes in housing placement, more secure housing, and/or accelerated classification for transfer;

.31 Post-allegation Protective Custody (115.68)

1. Involuntary Segregation

- a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Franklin County Sheriff's Office cannot conduct such an assessment immediately, the Franklin County Sheriff's Office may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- b. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the Franklin County Sheriff's Office restricts

access to programs, privileges, education, or work opportunities, the Franklin County Sheriff's Office shall document:

- i. The opportunities that have been limited;
 - ii. The duration of the limitation; and
 - iii. The reasons for such limitations.
- c. The Franklin County Sheriff's Office shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- d. If an involuntary segregated housing assignment is made pursuant to paragraph 1 of this section, the Franklin County Sheriff's Office shall clearly document:
- i. The basis for the Franklin County Sheriff's Office concern for the inmate's safety; and
 - ii. The reason why no alternative means of separation can be arranged.
- e. Every 30 days, the Franklin County Sheriff's Office shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

.32 Criminal and Administrative Agency Investigations (115.71)

1. Policy

Provide for a thorough investigation of reported incidents and certain discipline and/or prosecution of perpetrators when appropriate;

2. Security Response to Sexually Abusive Behavior Complaints

- a. If the Superintendent believes that a felony may have been committed, the jurisdictionally appropriate district attorney's office and the State Police Detective Unit assigned to said district attorney's office shall be notified and the Franklin County Sheriff's Office shall seek assistance and begin a cooperative investigation with these agencies. The Superintendent shall identify in writing, as an attachment to this policy, the phone numbers of the jurisdictionally appropriate district attorney's office and the State Police assigned to the district attorney's office;

3. Investigation Response to Sexually Abusive Behavior

- a. The assigned sexual assault investigator shall ensure that all evidence collected at any hospital (Sexual Assault Evidence Collection Kit/Rape Kit) is transported to the State Police Laboratory as soon as possible. Evidence retained in excess of twenty-four (24) hours (weekends/holidays), shall be properly refrigerated;

Any potential witnesses shall be interviewed in an attempt to corroborate the victim's statements or to identify any suspect (s). Care should be taken to ensure the safety and security of potential witnesses from retribution or retaliation, and if necessary and warranted, potential inmate witnesses shall be afforded opportunities for changes in housing placement, more secure housing, and/or accelerated classification for transfer;

- b. If sufficient information or evidence is obtained during the investigation, a disciplinary report shall be issued.

4. Investigation of Sexually Abusive Behavior Complaints

The Franklin County Sheriff's Office shall use all available means to fully investigate and address all allegations and incidents of sexually abusive behavior, which includes notification from other facilities or agencies that an inmate alleged the incident occurred at the Franklin County Sheriff's Office. Within seventy-two (72) hours of the reported incident, it shall be the responsibility of the Critical Incident Review Board to review and assess all reports of allegations and incidents of sexually abusive behavior and determine if the appropriate course of action has been followed. The Superintendent shall notify the PREA Manager of such events and will ensure that a case file is promptly opened in the PREA Database.

5. Sexually Abusive Behavior Between Inmates

- a. Investigations of reported incidents of alleged sexually abusive behavior between inmates shall be initiated by the Superintendent utilizing facility investigative staff. The investigator assigned by the Superintendent shall be responsible for producing an investigative report and completing the PREA Database case file within thirty (30) days. Extensions may be requested to, and granted by the PREA Manager for good cause.
- b. When the agency conducts its own investigations into allegations of

sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

- c. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- d. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- e. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- f. Administrative investigations shall:
 - i. include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - ii. 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.
- g. 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.
- h. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- i. The agency shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

- j. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- k. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- l. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

6. Staff Accused of Sexually Abusive Behavior with Inmates

If a staff member is accused of sexually abusive behavior with an inmate, the Superintendent shall request an investigation and alert the PREA manager. The staff member may be placed on "no inmate contact status" or "suspended with pay status" by the Sheriff and pending the outcome of the investigation, terminated. Contractors who are accused of sexually abusive behavior may be removed from the facility until the investigation is completed. All volunteers who are accused shall be barred from entering the facility until the investigation is completed.

7. Data Collection/Analysis

Documentation of all incidents of sexually abusive behavior is critical to the success of the FCSO PREA initiative. All incidents or allegations shall be documented in a timely and accurate manner, referencing specific definitions found in this policy and disciplinary charges found in General Order 430, [Inmate Rules and Discipline](#). All such information shall be recorded in the Offender Management System (OMS) to ensure a source for historical data. The PREA Manager shall maintain all data regarding each investigation of a PREA allegation.

.33 Evidentiary Standard for Administrative Investigations (115.72)

1. Inmate Notification

To the extent possible, the investigation of each inmate allegation shall be concluded within 90 days of FCSO notification. In the event that additional time is needed (up to an additional 70 days) the inmate who made the allegation shall be notified of the time extension. Upon concluding an investigation into an inmate's allegation, the agency shall document and inform the inmate in writing, using an [Inmate Notification of PREA Sexual Abuse/Misconduct Action Form](#) (Attachment B) as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded based on a preponderance of the evidence.

If the allegation is determined to be substantiated, the inmate shall also be informed of administrative, disciplinary, or criminal actions taken against the perpetrator using an [Inmate Notification of PREA Sexual Abuse/Misconduct Action Form](#).

.34 Reporting to Inmates (115.73)

1. Sexually Abusive Behavior Prevention and Intervention

a. Inmate Notification

- i. To the extent possible, the investigation of each inmate allegation shall be concluded within 90 days of FCSO notification. In the event that additional time is needed (up to an additional 70 days) the inmate who made the allegation shall be notified of the time extension. Upon concluding an investigation into an inmate's allegation, the agency shall document and inform the inmate in writing, using an [Inmate Notification of PREA Sexual Abuse/Misconduct Action Form](#) (Attachment B) as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded based on a preponderance of the evidence. If the allegation is determined to be substantiated, the inmate shall also be informed of administrative, disciplinary, or criminal actions taken against the perpetrator using an [Inmate Notification of PREA Sexual Abuse/Misconduct Action Form](#).
- ii. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- iii. The agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

.35 Disciplinary Sanctions for Staff (115.76)

1. Policy

It is the policy of the Office of the Sheriff that employees have the right to work in an environment free from any type of discrimination, including sexual harassment. These rights are extended to vendors, inmates, and visitors. The Office of the Sheriff prohibits sexual harassment of or by employees, vendors, inmates or visitors. The Office of the Sheriff is committed to fully investigating allegations of sexual or other harassment or discrimination and taking appropriate action when necessary to resolve the matter.

The Franklin County Sheriff's Office prohibits staff, contractors, and volunteers from engaging in acts of "Sexual Misconduct" with inmates. As used in this Order, "Sexual Misconduct" refers to both Sexual Relations with inmates (which is a criminal offense under MGL c. 268, s. 21A), as well as other acts of an inappropriate nature which are defined in this Order as Sexual Contact, Sexual Abuse, and Intimacy.

All allegations of Sexual Misconduct shall be fully investigated by the Sheriff's Office. Any employee or contractor who has engaged in acts of Sexual Misconduct shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution.

It is also the policy of the Sheriff's Office to deem inmates incapable of consenting to acts of Sexual Relations or Sexual Contact, regardless of an inmate's apparent willingness to participate in such acts.

2. Staff Accused of Sexually Abusive Behavior with Inmates

If a staff member is accused of sexually abusive behavior with an inmate, the Superintendent shall request an investigation and alert the PREA manager. The staff member may be placed on "no inmate contact status" or "suspended with pay status" by the Sheriff and pending the outcome of the investigation, terminated. Contractors who are accused of sexually abusive behavior may be removed from the facility until the investigation is completed. All volunteers who are accused shall be barred from entering the facility until the investigation is completed.

3. M.G.L. c. 268, s. 21A

The Franklin County Sheriff's Office makes known to all employees and contractors Massachusetts's General Law Chapter 268, Section 21A, which reads as follows:

An officer or other person who is employed by or contracts with any penal or correctional institution in the commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by imprisonment for not more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. For purposes of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct prohibited by section

22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.

All allegations of sexual misconduct with inmates shall be fully investigated by the Sheriff's Office and shall be referred to the District Attorney's Office as required by law.

4. Procedures

Failure of any employee or contractor to report an allegation of Sexual Misconduct may result in disciplinary action, up to and including termination.

Retaliation by an employee against another employee or inmate for reporting an allegation of sexual misconduct, assisting in making such a report, or cooperating in the investigation of such an allegation, regardless of the merits or disposition of the complaint, is prohibited. Any such occurrence is a very serious matter that may result in disciplinary action up to and including termination.

5. Investigation Allegation of Sexual Misconduct

The staff member alleged to have committed an act(s) of Sexual Misconduct with an inmate may be placed on administrative suspension without pay status pending the conclusion of the investigation.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

A Contractor who is accused of Sexual Misconduct may be restricted from entering any facility of the Sheriff's Office until the investigation is concluded.

A Volunteer who is accused of Sexual Misconduct shall be restricted from entering any facility of the Sheriff's Office until the investigation is concluded.

The staff assigned to investigate the incident shall produce and submit a written investigative report to the Superintendent/Special Sheriff at the conclusion of the investigation. Based on the information in the report, the Sheriff's Office will take appropriate administrative action to conclude the matter, including reporting to any relevant licensing bodies.

.36 Corrective Action for Contractors and Volunteers (115.77))

a. Policy

It is the policy of the Office of the Sheriff that employees have the right to work in an environment free from any type of discrimination, including sexual harassment. These rights are extended to vendors, inmates, and visitors. The Office of the Sheriff prohibits sexual harassment of or by employees, vendors, inmates or visitors. The Office of the Sheriff is committed to fully investigating allegations of sexual or other harassment or discrimination and taking appropriate action when necessary to resolve the matter.

Sexual harassment is a violation of state and federal law. Retaliation against one who reports or cooperates in any sexual harassment investigation is prohibited by state and federal laws and this General Order.

The Franklin County Sheriff's Office prohibits staff, contractors, and volunteers from engaging in acts of "Sexual Misconduct" with inmates. As used in this Order, "Sexual Misconduct" refers to both Sexual Relations with inmates (which is a criminal offense under MGL c. 268, s. 21A), as well as other acts of an inappropriate nature which are defined in this Order as Sexual Contact, Sexual Abuse, and Intimacy.

All allegations of Sexual Misconduct shall be fully investigated by the Sheriff's Office. Any employee or contractor who has engaged in acts of Sexual Misconduct shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution.

It is also the policy of the Sheriff's Office to deem inmates incapable of consenting to acts of Sexual Relations or Sexual Contact, regardless of an inmate's apparent willingness to participate in such acts.

b. Staff Accused of Sexually Abusive Behavior with Inmates

If a staff member is accused of sexually abusive behavior with an inmate, the Superintendent shall request an investigation and alert the PREA manager. The staff member may be placed on "no inmate contact status" or "suspended with pay status" by the Sheriff and pending the outcome of the investigation, terminated. Contractors who are accused of sexually abusive behavior may be removed from the facility until the investigation is completed. All volunteers who are accused shall be barred from entering the facility until the investigation is completed.

c. M.G.L. c. 268, s. 21A

The Franklin County Sheriff's Office makes known to all employees and contractors Massachusetts's General Law Chapter 268, Section 21A, which reads as follows:

An officer or other person who is employed by or contracts with any penal or correctional institution in the commonwealth, and who, in the course of such employment or contract or as a result thereof, engages in sexual relations with an inmate confined therein, within or outside of such institution, or an inmate who is otherwise under the direct custodial supervision and control of such officer or other person, shall be punished by imprisonment for not more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this section, an inmate shall be deemed incapable of consent to sexual relations with such person. For purposes of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.

All allegations of sexual misconduct with inmates shall be fully investigated by the Sheriff's Office and shall be referred to the District Attorney's Office as required by law.

d. Procedures

Failure of any employee or contractor to report an allegation of Sexual Misconduct may result in disciplinary action, up to and including termination.

Retaliation by an employee against another employee or inmate for reporting an allegation of sexual misconduct, assisting in making such a report, or cooperating in the investigation of such an allegation, regardless of the merits or disposition of the complaint, is prohibited. Any such occurrence is a very serious matter that may result in disciplinary action up to and including termination.

e. Investigating Allegations of Sexual Misconduct

The staff member alleged to have committed an act(s) of Sexual Misconduct with an inmate may be placed on administrative suspension without pay status pending the conclusion of the investigation.

A Contractor who is accused of Sexual Misconduct may be restricted from entering any facility of the Sheriff's Office until the investigation is concluded.

The staff assigned to investigate the incident shall produce and submit a written investigative report to the Superintendent/Special Sheriff at the conclusion of the investigation. Based on the information in the report, the Sheriff's Office will take appropriate administrative action to conclude the matter, including reporting to any relevant licensing bodies.

.37 Disciplinary Sanctions for Inmates (115.78)

1. False Allegations

Disciplinary action will not be taken if the allegation was made in good faith based upon a reasonable belief that the alleged conduct did occur, even if the investigation does not establish sufficient evidence to substantiate the allegation.

2. Screening, Identifying and Reporting

- a. Inmates with a history of or at risk of inmate predatory sexually abusive behavior:

The Franklin County Sheriff's Office is committed to working with the National Institute of Correction and other outside agencies to develop tools to increase the likelihood of identifying potential predators of sexually abuse behavior. Where those tools exist and can be administered, those identified shall be referred to appropriate institutional programming. The program referral shall be made part of the inmates individualized program plan in accordance with General Order 420 [Classification](#). Every effort shall be made to have programming available to these identified inmates.

- b. Inmates with a history of engaging in sexually abusive behavior:

- i. All inmates entering the FCSO, and upon subsequent transfer from another correctional facility, shall be screened within twenty-four (24) hours by a qualified medical professional for a history of sexually abusive behavior. Inmates identified through self-reports or medical reports as having a history of sexually abusive behavior shall be documented in the appropriate OMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g. investigation, housing assignment, referral to treatment program) are taken.
- ii. Booking officer(s) shall also screen inmates for a history of sexually abusive behavior by conducting a review of criminal

record information, (e.g., judgment and commitment orders; 6 part record; board of probation). Inmates identified as having a history of sexually abusive behavior not previously identified, shall be documented in the appropriate OMS screen and a confidential incident report submitted to the Superintendent.

2. Sanctions

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process shall consider whether and inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

.38 Medical and Mental Health Screenings; History of Sexual Abuse (115.81)

1. Screening, Identification and Reporting

- a. Inmates at risk or who have a history of inmate sexual abuse victimization:
 - i. All inmates entering the FCSO, and upon subsequent transfer from another correctional facility, shall be screened within twenty-four (24) hours by a qualified medical professional for a history of and the risk for inmate sexual abuse victimization in accordance with Medical Division policy JE-02, Receiving Screening.
 - ii. Inmates identified through self-reporting or medical reports as having a history of sexual abuse victimization and/or at risk of being a victim of inmate sexual abuse shall be referred to a mental health clinician for assessment, monitoring, and counseling. Such reports shall be documented in the appropriate OMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g., investigation, housing assignment) are taken.

.39 Access to Emergency Medical and Mental Health Services (115.82)

1. Medical Response to Sexually Abusive Behavior Complaints

- a. A qualified health care professional shall evaluate and document the extent of physical injury and provide emergency medical treatment as needed without disturbing any evidence of alleged sexual assault;
- b. An emergency mental health referral to the on-site mental health professional shall be made following the completion of the medical evaluation;
- c. Upon completion of the medical and mental health evaluation, the Superintendent or designee, in consultation with medical and mental health personnel, shall determine whether a referral to an outside hospital with a rape crisis unit is warranted. Factors to be considered are the time frame between the alleged assault and complaint, as well as the extent and nature of the allegation.
- d. If the determination is made that the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to an outside hospital with a SANE program where they shall receive essential medical intervention to include preventative treatment for HIV, sexually transmitted diseases and pregnancy, if appropriate.
- e. Upon return from the outside hospital, the inmate victim shall be brought to the Health Services Unit for appropriate follow-up care, to include a mental health screening by qualified contractual health care personnel. If during this screening there are any indications that the inmate victim is at risk to hurt his or herself or others, a mental health professional shall be immediately notified. Otherwise, the inmate victim shall be seen by a mental health professional within twenty-four (24) hours or no later than the next business day to assess the need for crisis intervention and long-term counseling in accordance with General Order 525, [Suicide Prevention](#).
- f. To avoid the potential for secondary victimization, an inmate victim may be allowed to refuse rape crisis intervention treatment at an outside hospital. In these situations, the inmate victim shall be permitted to refuse treatment at the institution. Before the refusal is accepted, the Franklin County Sheriff's Office contractual medical and mental health provider shall attempt to persuade the inmate to go to the outside hospital for treatment. In cases where the inmate victim

continues to refuse, the inmate victim shall be required to sign a Refusal of Treatment form. Provisions shall be made for testing sexually transmitted diseases (e.g., HIV, gonorrhea, hepatitis) as well as prophylactic treatment, follow-up care and counseling.

- g. The Superintendent, with input as requested from a mental health professional, shall determine an appropriate housing assignment for the inmate victim;
- h. A victim advocate shall be assigned by the Superintendent to meet with the inmate victim. The victim advocate shall keep the inmate victim informed of his/her status and as appropriate, the disciplinary and criminal prosecution of the alleged perpetrator. The advocate shall make the inmate victim aware of the short and long term services available to them.
- i. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- j. Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with an investigation arising from the incident.

.40 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers (115.83)

1. Medical Response to Sexually Abusive Behavior Complaints

- a. Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with an investigation arising from the incident.
- b. Medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse shall be offered. The evaluation and treatment shall include, as appropriate, follow-up services treatment plans and when necessary, continued care after transfer to or placement in other facilities or their release from custody. The medical and mental health services shall be consistent with the community level of care and at no financial cost to the victim.
- c. Tests for pregnancy and sexually transmitted infections as medically appropriate shall be offered at no financial cost to the victim. If a

pregnancy results from sexual abuse, victims shall receive timely and comprehensive information about timely access to all lawful pregnancy related medical services at no financial cost to the victim.

.41 Sexual Abuse Incident Reviews (115.86)

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team shall include AS of Security, ADS of Security, AS of Classification, ADS of Medical, PREA Compliance Manager and line Sergeant.
4. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d) (1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
 - g. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

.42 Data Collections (115.87)

1. Data Collection/ Analysis

The Franklin County Sheriff's Office shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for the Franklin County Sheriff's Office.

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Franklin County Sheriff's Office progress in addressing sexual abuse.

The Franklin County Sheriff's Office report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, the Franklin County Sheriff's Office will remove all personal identifiers.

The Franklin County Sheriff's Office may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.

The Franklin County Sheriff's Office will ensure that data collected pursuant to § 115.87 are securely retained. Risk assessment data is only accessible by select staff members by controlling computer access and key access to the secure area where data is kept.

Sexual abuse data collected shall be maintained for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise.

.43 Data Collection for Corrective Action (115.88)

1. Data Collection/ Analysis

The Franklin County Sheriff's Office shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem

areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for the Franklin County Sheriff's Office.

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Franklin County Sheriff's Office progress in addressing sexual abuse.

The Franklin County Sheriff's Office report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, the Franklin County Sheriff's Office will remove all personal identifiers.

The Franklin County Sheriff's Office may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.

.44 Data Storage, Publication and Destruction (115.89)

1. Data Collection/ Analysis

The Franklin County Sheriff's Office shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for the Franklin County Sheriff's Office.

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Franklin County Sheriff's Office progress in addressing sexual abuse.

The Franklin County Sheriff's Office report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, the Franklin County Sheriff's Office will remove all personal identifiers.

The Franklin County Sheriff's Office may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the

material redacted.

The Franklin County Sheriff's Office will ensure that data collected pursuant to § 115.87 are securely retained. Risk assessment data is only accessible by select staff members by controlling computer access and key access to the secure area where data is kept.

Sexual abuse data collected shall be maintained for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise.

2. Policy

It is the policy of the Franklin County Sheriff's Office to establish and maintain Information Systems that provide for the collection, security, storage, and retrieval of inmate, operational, and administrative data. It is also the policy of the Sheriff's Office to ensure the security and integrity of the various information systems, cooperate with other criminal justice and service agencies in information gathering, exchange, and standardization. The Sheriff's Office maintains current and proper licenses for all proprietary software programs authorized for use within the Sheriff Office.

.45 Audits of Standards (115.93)

The Franklin County Sheriff's Office shall conduct a DOJ (Department of Justice) PREA audit (pursuant to 115.401 through 115.405) every three years.

.46 Auditing and Corrective Action (115.401)

During its auditing cycle, the Franklin County Sheriff's Office shall adhere to the following:

- The FCSO shall utilize the DOJ's audit instruments as a means of providing guidance relative to the conduct of and contents of the DOJ PREA audit.
- The FCSO shall make available for interviews a representative sample of inmates, residents, volunteers, interns, contractors, supervisors, and administrators on each shift. All such interviews conducted by the auditor shall be permitted to be conducted in private.

.47 Auditor Qualifications (115.402)

In entering into a contract for a DOJ PREA audit, the FCSO shall ensure the

auditor selected to conduct the facility audit is:

- A member of a correctional monitoring body that is not part of, or under the authority of the department (but may be part of, or authorized by, the relevant state or local government);
- A member of an auditing entity such as an inspector general or ombudsperson's office that is external to the agency; or,
- Other outside individuals with relevant experience.

All auditors shall be certified by the DOJ. The DOJ shall develop and issue procedures regarding the certification process, which shall include training requirements. Verification of such training and or certification can be made through the DOJ's PREA Resource Center website.

No audit will be conducted by an auditor who has received financial compensation from the FCSO (except for compensation received for conducting prior PREA audits) within three years prior to the retention of the auditor by the FCSO.

The FCSO shall not employ with, contract with, or otherwise financially compensate the auditor for three years subsequent to the FCSO's retention of the auditor, with the exception of contracting for subsequent PREA audits.

.48 Audit Contents and Findings (115.403)

The FCSO shall ensure that each audit includes a certification by the auditor that no conflict of interest exists with respect to his/her ability to conduct an audit of the FCSO. The audit reports shall also state whether FCSO's Sexual Harassment/ Assault Response Prevention Policy and other policies and procedures comply with relevant PREA standards.

For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds standard (substantially exceeds requirement of standard); Meets standard (substantial compliance, complies in all material ways the standard for the relevant review period); Does not meet standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

Audit reports should describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.

The FCSO shall ensure the DOJ auditor redacts any personally identifiable inmate or staff information from their reports, but shall provide such information to the FCSO upon request, and may provide such information to the DOJ, if requested.

The FCSO will ensure that the auditor's final report is published on its website, if it has one, or is otherwise made readily available to the public.

.49 Audit Corrective Action Plan (115.404)

In the event that there is a finding of "does not meet standard" with one or more standards then a 180 day corrective action period shall be imposed. The auditor and the FCSO's OREA Coordinator shall jointly develop a corrective action plan to achieve compliance during this period of corrective action.

The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portion of the facility. After the 180 day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action. Should the FCSO not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

.50 Audit Appeals (115.405)

The FCSO has the right to lodge an appeal with the DOJ regarding any specific audit finding which it believes to be incorrect. Any such appeal shall be lodged within 90 days of the auditor's final determination. Should the DOJ determine that the FCSO has stated good cause for a re-evaluation, the FCSO may commission a re-audit by an auditor mutually agreed upon by the DOJ and the FCSO. The agency shall bear the costs of this re-audit. The findings of the re-audit shall be considered final.

.51 Review Date

These regulations shall be reviewed annually from the effective date.

	COMMONWEALTH OF MASSACHUSETTS Franklin County Sheriff's Office 160 Elm Street Greenfield, MA 01301 (413) 774-4014	PREA INCIDENT FORM
---	--	-------------------------------

TIME/DATE OF INCIDENT:

LOCATION OF INCIDENT:

Description of Incident (continued):

Before moving an inmate to Administrative Segregation or inmate requested PC (Protective Custody) due to a complaint that they have suffered sexual abuse, the Shift Commander must complete this form:

NAME OF SHIFT COMMANDER:

DATE:

REASON FOR MOVE:

- ☐ Based solely on Potential Victim/Victim status
- ☐ (Victim of allegation) inmate reported sexual abuse
- ☐ Based on inmate request for PC

The basis of concern for the Potential Victim/Victim's safety (provide all relevant details):

What alternative housing options were considered before administrative segregation? (provide conflicts to those considerations):

- In such a situation, the facility must afford the inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.
- If an inmate is being moved to Protective Custody voluntarily or for a reason other than their Potential Victim/Victim status or having complained about being sexually abused, there is no requirement to complete this form.
- See PREA Standards 115.43 and 115.68
- **This document does not replace OMS Intelligence or Informational reports.**



COMMONWEALTH OF MASSACHUSETTS
 Franklin County Sheriff's Office
 160 Elm Street
 Greenfield, MA 01301
 (413) 774-4014

INMATE NOTIFICATION OF PREA SEXUAL ABUSE/ MISCONDUCT ACTION FORM

Inmate #: _____

From: _____

Date of Incident: _____

Date of Notification: _____

Please be advised of the following regarding the investigation of _____.
 We have found your claim to be one of the following below.

- ☐ Unfounded
- ☐ Founded
- ☐ Unsubstantiated
- ☐ Substantiated
- ☐ No action taken: _____

Be it known that the following action has been taken:

The staff member:

- ☐ is no longer posted in your unit.
- ☐ is no longer employed at the facility.
- ☐ has been indicted on a charge related to sexual abuse within the facility.
- ☐ has been convicted on a charge related to sexual abuse within the facility.
- ☐ No action taken

The inmate/resident abuser:

- ☐ is no longer housed in your unit.
- ☐ is no longer incarcerated at this facility.
- ☐ has been indicted on a charge related to sexual abuse within the facility.
- ☐ has been convicted on a charge related to sexual abuse within the facility.
- ☐ No action taken



 Inmate Signature

 Date

PREA Standards 28 CFR 115.73/115.273

MEMORANDUM OF UNDERSTANDING

January 14, 2025

+

This Memorandum of Understanding (MOU) is entered into between **Franklin County Sheriff's Office ("FCSO")**, and **New England Learning Center for Women in Transition ("NELCWIT")**, and is written to facilitate an agreement between the parties for services related to goals and implementation of federal Prison Rape Elimination Act (PREA) mandates.

I. UNDERSTANDING, AGREEMENTS, SUPPORT, AND RESOURCE REQUIREMENTS:

A. FCSO agrees to:

1. Make involvement of certified rape crisis advocates a component of the standard response to a report of sexual abuse and/or a request for help from a survivor of sexual abuse or sexual harassment.
2. Any time that an incident or allegation of sexual abuse is discovered or reported within 120 hours of the incident, FCSO will transport the victim of sexual abuse to **Baystate Franklin Medical Center** for a forensic medical exam, and to meet with a rape crisis advocate from the **NELCWIT**.
3. If the incident occurred more than 120 hours prior to the report, **FCSO** will consult with the forensic medical examiner to determine if a forensic exam is medically or evidentiarily indicated. **FCSO** will ensure that the victim receives a medical evaluation and any needed treatment, a mental health evaluation, and contact information for the **NELCWIT**.
4. Facilitate follow-up, whenever possible, between the inmate and a **NELCWIT** advocate by mail or telephone while the victim is detained by **FCSO**. **FCSO** will also provide **NELCWIT** contact information to all inmates upon release. This will be done without regard to the presence or status of an investigation.
5. Provide inmates with confidential, 24-hour access to the **NELCWIT** hotline, at no cost, through the inmate telephone system.
6. Respect the confidential nature of communication between **NELCWIT** advocates and clients detained at **FCSO**.
7. Ensure that **NELCWIT** advocates are cleared to enter the Jail for meetings and training sessions, or to meet with clients. Provide for other logistical needs, such as a private meeting space for counseling sessions.
8. Facilitate the placement of informational placards with instructions on how to access the **NELCWIT** hotline in areas visible to inmates.

9. Communicate any questions or concerns to the **NELCWIT** staff.

B. NELCWIT agrees to:

1. Respond to requests from **FCSO** to provide advocacy when inmates are brought to **BFMC** for sexual assault forensic exams.
2. Respond to calls from **FCSO** inmates received on the **NELCWIT** hotline.
3. Provide follow-up services and crisis intervention contacts to victims of sexual assault at **FCSO**, as resources allow.
4. Work with designated **FCSO** officials to obtain security clearance and follow all facility guidelines for safety and security, as necessary.
5. Maintain confidentiality of communications with clients detained at **FCSO**.
6. Communicate any questions or concerns about this MOU to **FCSO**.

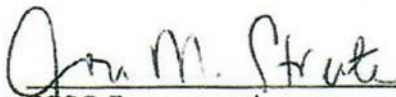
II. TERM OF MOU:

This MOU shall begin January 14, 2025 and continue until it is terminated by either party.

III. MOU TERMINATION AND MODIFICATION:

This MOU may be terminated, without cause, by either of the parties with no less than 30 calendar days written notice. This MOU may be terminated by either party, with cause, with two days written notice.

Any modification must be agreed to and signed by both parties and attached to this MOU as a modification.


FCSO Representative

1/14/2025
Date


NELCWIT Representative

1/15/2025
Date