

Sexual Misconduct / Prison Rape Elimination Act (PREA)

(To be disseminated to inmates, staff, contractors, vendors, visitors, volunteers, and any other government employee)

In accordance with the Prison Rape Elimination Act (PREA) and the policies and procedures of this facility, the Rappahannock Regional Jail has established a zero tolerance of staff on inmate, and inmate on inmate sexual assault, sexual abuse, and sexual harassment. Prohibits any acts of sexual misconduct, sexual violence and sexual abuse by inmates, staff, contractors, vendors, visitors, volunteers or any other government employee. Offenders alleging victimization of a sexual manner are provided the same level of law enforcement service, treatment and care as non-offenders.

1. **Sexual Misconduct** is any behavior or act of a sexual nature directed toward an inmate by inmates, staff, contractors, vendors, visitors, volunteers or any other government employee whether consensual or non-consensual acts or attempts to commit such acts including but not limited to sexual assault, sexual harassment, sexual violence, sexual contact, conduct of a sexual nature or implication, sexual gratification, obscenity and unreasonable invasion of privacy or voyeurism. Sexual misconduct also includes but is not limited to conversation or correspondence, which suggests a romantic or sexual relationship between an inmate and any party mentioned above:
 - a. Any sexual advances
 - b. Requests for sexual favors
 - c. Threats for refusing sexual advances
 - d. Verbal or physical conduct/contact including but not limited to touching/horseplay of a sexual nature towards an offender
 - e. Invasion of privacy beyond what is reasonably necessary for safety and security
 - f. A person is guilty of sexual misconduct as defined in VA Code sections § 18.2-67.2, 18.2 - 67.4or 18.2-67.10
2. **Sexual Contact** includes but is not limited to: all forms of sexual contact. Intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, with or without consent of the person; or any unwanted touching with intent to arouse, humiliate, harass, degrade or gratify the sexual desire of any person.
3. **Sexual Assault** is any contact between the sex organ of one person and sex organ, mouth or anus of another person or object, by the use of force or threat of force. (This includes: complainant touching themselves, the accused or another person.)
4. **Unauthorized Relationship** is a relationship with any inmate under the supervision of RRJ to include inmates, staff, contractors/vendors, visitors, volunteers, or any other government employee other than a business/professional relationship. Sexual acts or sexual contacts between an offender and any other inmates, staff, contractors/vendors, visitors, volunteers, or any other government employee, **even if the offender consents, initiates or proposes, are always prohibited and always illegal.**
5. **Code of Virginia: (reference the codes)**
 - a. §18.2-67.10 Sexual abuse is an act committed with the intent to sexually molest, arouse or gratify a person.
 - b. §18.2-64.2 Carnal knowledge: For the purposes of this section is an inmate, parolee, probationer or pretrial or post trial offender or any persons under the jurisdiction of the Department of Corrections, work program, a local community-based probation services agency, a pretrial services agency or a local or regional jail are considered persons who are unable to consent or refuse. Violation occurs even without the use of force, threat or intimidation. Such offense is Class 6 felony. "Carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anal Lingus, anal intercourse and animate or inanimate object sexual penetration.
 - c. §18.2-67.4 Sexual battery: An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation or ruse. This is a Class 1 misdemeanor.
6. **Exempted Processes**
 - a. Jail activities or actions taken by RRJ, which are supported by RRJ's Policies and Procedures, and deemed necessary for the safety and security of the facility, will not be defined as staff sexual harassment, misconduct, assault or rape. These Policies and Procedures include, but are not limited to the taking of photographs, pat or strip searches, and medical exams.
7. **Prevention of Sexual Misconduct**
 - a. Do not make sexual comments to other persons.
 - b. Do not engage in conversations of a sexual nature with other persons.
 - c. Do not expose your self to others in a sexual manner.
 - d. Do not participate in any acts of sexual misconduct with any person.
 - e. If someone makes sexual comments or exposes themselves to you, **do report it immediately.**
8. **Reporting and Procedures for Dealing with Sexual Misconduct**
 - a. Staff, contractors, vendors, visitors, volunteers, or any other government employee who becomes aware of or reasonably suspects that an inmate, staff, contractor, vendor, visitor, volunteer or any other government employee are involved in an unauthorized relationship has an affirmative duty to immediately report any such knowledge or suspicion to a supervisor or higher authority, to the Superintendent by way of chain-of-command. **Failure to report the information/incident shall subject the individual to disciplinary action, up to and including dismissal, revocation, or termination.**
 - i. Non-staff shall report this information to a staff member immediately, who shall then communicate this information and any other knowledge regarding misconduct of any kind to the Superintendent by way of chain-of-command.
 - b. Inmates and their families/associates may report any knowledge or suspicion of an unauthorized relationship, allegations of sexual harassment, misconduct, assault and/or rape between inmates, staff, contractors, vendors, visitors, volunteers or any other government employee. ***Ways to communicate this information will be provided in the Inmate Handbook and/or other RRJ distributed material.***
 - i. Inmates do not have to name other inmates to receive assistance, but specific information may make it easier for staff to help.
 - ii. The report may be made verbally or in writing to any staff member the victim is comfortable reporting it to.
 - iii. Inmates are subject to being sanctioned for not reporting sexual misconduct that they witness.
 - c. Victims of sexual violence will be provided medical assessment, medical treatment and counseling as necessary.
 - d. Victims of sexual violence and perpetrators of sexual violence may be tested for communicable diseases.
 - e. **Individuals will be subject to disciplinary action, up to and including administrative, criminal prosecution and/or civil action if charges are filed falsely or frivolously.**
 - f. **All reports of sexual assault shall be forwarded directly to Command Staff immediately.**

I have read or have read to me, and understand, the information contained on this form.

Name (Print): _____ Signature: _____ Date: _____
FIRST MI LAST