



Commonwealth of Massachusetts Office of the Sheriff

Franklin County

GENERAL ORDER 518

SEXUALLY ABUSIVE BEHAVIOR PREVENTION AND INTERVENTION

Approved: _____

Lori M. Streeter
(Sheriff Lori M. Streeter)

Date: _____

2/10/25

Table of Contents

- .01 Date Issued
- .02 Policy
- .03 Definitions
- .04 General Procedures
- .05 Prevention
- .06 Data Collection/Analysis
- .07 Involuntary Segregation
- .08 Interdiction
- .09 Intervention
- .10 Investigation of Sexually Abusive Behavior Complaints
- .11 False Allegations
- .12 Emergencies
- .13 Sexual Abuse Incident Review

.01 Date Issued

The issue date of this General Order is February 10, 2025. This document supersedes General Order 518 previously issued on January 14, 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. This General Order is not intended to replace or contradict General Order 239, [Sexual Harassment](#) or General Order 519, [Staff Sexual Misconduct with Inmates](#).

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.

.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 General Procedures

All allegations and incidents of sexually abusive behavior against inmates shall immediately be reported to the Shift Commander and followed up with an intelligence report before the end of his/her shift. The confidential intelligence report will be forwarded to the Superintendent.

During non-business hours, these allegations shall be reported to the Shift Commander who shall ensure that the Superintendent is immediately notified. Failure of any Franklin County Sheriff's Office employee, contractor or volunteer to report these allegations may result in disciplinary action, up to and including termination.

The Superintendent shall notify the Sheriff, the Assistant Superintendent of Security, and the PREA Coordinator.

If the allegations involve a possible violation of state law, the Sheriff shall authorize the Superintendent to immediately notify the district attorney's office.

.05 Prevention

All FCSO employees, contractors, and volunteers are responsible for contributing to the prevention of sexually abusive behavior against inmates as

outlined in this policy.

Inmates are responsible for familiarizing themselves with the FCSO orientation material on sexual abuse prevention and intervention, and for reporting allegations in a timely fashion to a staff person, contractor, or volunteer in order to ensure their safety and the safety of others.

The FCSO shall be responsible for planning and implementing measures to prevent sexually abusive behavior from occurring. The FCSO strives to create a safe environment for staff and inmates, which is free from sexual harassment and exploitation. In this regard, the FCSO shall provide for the following resources and practices:

1. 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.

2. 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.

3. 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 abusive 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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.

1. 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.

4. 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.

5. Public Education

The PREA Manager will develop and implement a communication plan to inform inmate family members, agency constituents, other state agencies, work release employers, and the general public regarding the PREA initiative undertaken by the Franklin County Sheriff's Office and how they can support these efforts. This may include informational pamphlets, video presentations, discussion forums, postings on the Franklin County Sheriff's Office Internet page and news releases as appropriate.

6. Background Checks

The FCSO shall conduct a background check prior to hiring a new employee or a contractor who may have direct contact with an inmate. General Order 201, [Selection and Hiring](#), details the hiring process which includes a background check, review of employment application, and interview questions. This screening process is designed to ensure the FCSO does not hire an employee or contractor who has previously engaged in sexually abusive behavior. Additionally, the FCSO will perform a criminal background check at least every five years of current

employees and contractors and prior to promotions.

.06 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.

Other sources may be queried by FCSO staff to develop intelligence information which may be useful in preventing sexually abusive behavior. These may include, but not be limited to, inmate correspondence, inmate telephones, inmate grievances, and informational reports.

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.

.07 Involuntary Segregation

1. 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.
2. 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:
 - a. The opportunities that have been limited;
 - b. The duration of the limitation; and
 - c. The reasons for such limitations.
3. 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.
4. If an involuntary segregated housing assignment is made pursuant to paragraph 1 of this section, the Franklin County Sheriff's Office shall clearly document:
 - a. The basis for the Franklin County Sheriff's Office concern for the inmate's safety; and
 - b. The reason why no alternative means of separation can be arranged.
5. 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.

.08 Interdiction

The Superintendent shall conduct an annual PREA assessment of the facility which shall include: assessing recent changes to the facility environment and the unique mission and population assigned; staff and inmate interviews regarding inmate safety; and a review of staffing and operational practices.

Based on the annual assessment, the Superintendent and PREA Manager shall develop and maintain a PREA safety plan which documents areas of concern within the facility and defines action steps to address those concerns.

The Superintendent will make every effort to ensure that staff members are interacting directly with inmates in their housing and activity areas. Furthermore it is important to ensure that staff and inmates are properly trained and to ensure that staff members are reporting any incidents, allegations or observations of the sexual abuse of inmates in their care.

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.

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.

.09 Intervention

The safety of all employees, contractors, volunteers and inmates is a fundamental objective of the FCSO. As such, it is an integral part of everyone's job to prevent and report sexually abusive behavior.

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 2110, and during non-business hours at 413-834-0073.
 - 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 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.
4. 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.

5. Classification Response to Sexually Abusive Behavior Complaints:

The Superintendent shall ensure that the Director of Classification is notified of sexually abusive complaints of sexual abuse. The Director of Classification, upon such notification, shall schedule an Internal Classification Status Review of the inmate predator and/or inmate victim, when sufficient facts are known, in order to determine appropriate classification.

6. 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.

.10 Investigation of Sexually Abusive Behavior Complaints

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. Administrative investigations shall:
 - a. include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - b. 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.
7. 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.
8. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
9. 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.
10. 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.
11. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
12. 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. Sexually Abusive Behavior Between Inmates

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.

14. 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.

15. 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.

16. Inmate Notification

- a. 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](#).

- b. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- c. The agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

.11 False Allegations

If the Franklin County Sheriff's Office investigation reveals that an inmate, Franklin County Sheriff's Office employee, contractor or volunteer has knowingly made false allegations or made a material statement, which he/she, in good faith, could not have believed to be true, then the Franklin County Sheriff's Office may take appropriate disciplinary action, and/or refer the matter for criminal action under the Massachusetts General Laws, as appropriate. This information shall be included in any orientation booklet as well as within the training to Sheriff's Office employees, contractors, volunteers and 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 by the Superintendent on "no inmate contact status" or "suspended with pay status" by the Sheriff pending an investigation of the matter. 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.

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.

.12 Emergencies

Whenever, in the opinion of the Superintendent, an emergency exists which requires suspension of all or part of this policy, the Superintendent may order such suspension. However, any such suspension lasting beyond forty-eight (48) hours must be authorized by the Sheriff.

.13 Sexual Abuse Incident Review

- a. 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.
- b. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- c. The review team shall include AS of Security, ADS of Security, AS of Classification, ADS of Medical, PREA Compliance Manager and line Sergeant.
- d. The review team shall:
 - i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - ii. 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;
 - iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - iv. Assess the adequacy of staffing levels in that area during different shifts;
 - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - vi. 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.
 - vii. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.



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 very 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
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**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