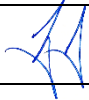




Fulton County Sheriff's Office

Jail Operations Standard Operating Procedures

Effective Date: December 20, 2023	Number: 400-12.01	Pages: 6
Chapter: Care Subject: PREA Zero Tolerance Policy Towards Sexual Abuse and Sexual Harassment	Distribution: All Jail Operations Personnel	
References: PREA Related Standard: §115.11 Prison Rape Elimination Act of 2003 PREA National Standards 28 C.F.R. Part 115	Amends/Rescinds: February 6, 2023, September 8, 2023	
Approving Authority Signature: 	Date: December 19, 2023	

I. POLICY

Fulton County Sheriff's Office (FCSO) mandates zero tolerance towards all forms of sexual abuse and sexual harassment in all its facilities. It is the policy of FCSO that sexual conduct between employees, volunteers, contractors, or interns and individuals in a FCSO facility; regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions. This prohibition includes conversations or correspondence of a romantic and/or sexual nature. All employees, volunteers, contractors, and interns are expected to have a clear understanding that FCSO strictly prohibits any type of sexual relationship with individuals in Fulton County Jail and its annexes. Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary sanctions and may be subject to criminal prosecution. An inmate, staff member, contractor, volunteer, intern, and/or any individual who has business with or uses the resources of Fulton County Jail and its annexes is subject to disciplinary action and/or sanctions, including possible dismissal, termination, and of contracts and/or services, if they are found after an investigation to have engaged in sexual harassment or sexual contact with an inmate. Sexual conduct between staff and inmates, volunteers, contract personnel, or interns and inmates, regardless of consensual status, is prohibited. These relationships will not be tolerated and shall be considered a serious breach of FCSO policies.

Fulton County Jail and its annexes shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Engaging in a romantic and/or sexual relationship with individuals in a FCSO facility may result in criminal charges, along with termination of employment, termination of contract and/or contracting services, or termination of volunteer and/or intern status.

All employees, volunteers, contractors, and interns have an affirmative duty to immediately report all allegations or knowledge, suspicion, or information of sexual abuse, sexual harassment, romantic relationships, or sexual contact that takes places within any FCSO facility. All cases of alleged sexual conduct shall be promptly, thoroughly, and objectively

investigated. Retaliation against individuals for filing a complaint and/or cooperating with an investigation will not be tolerated. Upon substantiation of any allegations of sexual conduct, appropriate disciplinary actions will be taken against employees, volunteers, contractors, or interns, including possible criminal prosecution.

II. POLICY COMPONENTS

FCSO shall follow the standards of section 28 C.F.R. Part 115 of the Department of Justice (DOJ) National Prison Rape Elimination Act of 2003 (PREA) Standards or section 6 C.F.R. Part 115 of the U.S. Department of Homeland Security (DHS) Sexual Abuse and Assault Prevention and Intervention (SAAPI) Standards. Each FCSO operational subsidiary, business unit, or program shall have a current, site-specific policy in place that includes the following:

- a. When an FCSO operational subsidiary, business unit, or program falls within the scope of the PREA or SAAPI standards, the applicable standards should be incorporated into the site-specific policy.
- b. Employees, contractors, volunteers, and interns are informed of FCSO zero tolerance policy regarding sexual abuse and sexual harassment.
- c. Individuals in a FCSO facility or program are informed of FCSO zero tolerance policy regarding sexual abuse and sexual harassment.
- d. Standard procedures are in place to detect and prevent sexual abuse and sexual harassment in all FCSO facilities.
- e. Victims of sexual abuse and sexual and sexual harassment receive prompt and effective response to their physical, psychological, and security need.
- f. Reported allegations of sexual abuse and sexual harassment receive prompt intervention; and,
- g. Perpetrators of substantiated sexual abuse and sexual harassment allegations are disciplined; and when appropriate, referred for prosecution in accordance with FCSO policy, federal, state, or local laws.

III. DEFINITIONS

A. General Definitions

1. **Agency**: Refers to FCSO, which has direct responsibility for the operation of Fulton County Jail and its annexes used to confine inmates, including the implementation of policy as set by the governing authority.
2. **Contractor**: A person who provides services on a recurring basis pursuant to a contractual agreement with FCSO. Contracted employees (i.e., Food Service, Commissary, Medical, & Maintenance, etc.).
3. **Employee**: A person employed by FCSO and sometimes referred to as staff or staff member.
4. **Exigent Circumstances**: Any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or order of Fulton County Jail and its annexes.
5. **Facility**: (also referred to as Jail, Prison, or Lockup) A place, institution, building (or part thereof), set of buildings, structure, or area (whether enclosing a building or set of

- buildings) that is used by FCSO for the confinement of individuals. The 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, individuals convicted of serious crimes, usually more than one year in length (or a felony), or persons adjudicated guilty who are awaiting transfer to another facility. It contains holding cells, cell blocks, and/or other secure enclosures.
6. **Gender Dysphoria**: A person whose assigned birth sex conflicts with the gender in which they identify as.
 7. **Gender Nonconforming**: A person whose appearance or manner does not conform to traditional societal gender expectations.
 8. **Inmate**: Any person incarcerated or detained in Fulton County Jail and its annexes.
 9. **Intern**: A student or trainee who works for FCSO, sometimes without pay, in a trade or occupation to gain work experience.
 10. **Intersex**: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
 11. **Law Enforcement**: (also referred to as Security Staff) Staff members responsible for the supervision and control of inmates in housing units, recreational areas, dining areas, and other programs areas in facilities under the governing authority of FCSO.
 12. **LGBTI**: Refers to a broad category of people, including those who identify as Lesbian, Gay, Bisexual, Transgender, or Intersex, and is considered an umbrella term that encompasses the spectrum of people who are not heterosexual.
 13. **Medical 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.
 14. **Mental Health Practitioner**: A mental 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 mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
 15. **Non-Binary**: Any person who identifies as an intermediate or separate third gender, identifies with more than one gender, no gender, or have a fluctuating gender identity. Non-binary people have a gender identity that exists outside the categories of male and female. It is an umbrella term for various gender identities that lie outside of the gender binary. While some non-binary people may identify as transgender, others may not. Some non-binary people may use gender-neutral pronouns, such as they/them. Others may use a combination of gendered and gender-neutral pronouns, such as they/he or she/they.
 16. **Pat-Down Search**: A search that involves the running of the hands over the clothed body of an inmate by an employee to determine whether the inmate possesses contraband.
 17. **PREA Compliance Manager (PCM)**: A supervisory-level staff person at Fulton County Jail and its annexes, designated by the Agency Head, or his/her designee, to communicate with the Agency PREA Coordinator and coordinate the facility’s efforts to comply with the PREA standards. **A PREA compliance manager must have**

- sufficient time and authority to coordinate and manage FCSO compliance with required PREA Standards.**
18. **PREA Coordinator**: An individual who develops, implements, and oversees FCSO efforts to comply with the PREA standards in all facilities to include assisting PCM's efforts to comply with the PREA standards and applicable policies and to assist the jail investigation unit (JIU) and criminal investigation unit (CIU) with PREA investigations. Review and maintain monthly matrix for PREA and active transgender and intersex list, and statistics on sexual abuse and sexual harassment. Complete annual public reports and aggregate PREA reports. Maintain documentation memorandums of understanding (MOUs) for victim advocacy groups, community confinement, and local hospitals, and assist training manager with PREA training. **An individual with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all FCSO facilities.**
 19. **Sexual Activity**: Physical contact between two or more inmates of the same or opposite sex for the purpose of sexual arousal or gratification where all involved inmates independently express or imply consent. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast. **NOTE: Sexual activity between two or more inmates is prohibited and subject to administrative disciplinary sanctions.**
 20. **Strip Search**: A search that requires an inmate to remove or arrange some or all clothing, to permit a visual inspection of the breasts, buttocks, or genitalia.
 21. **Substantiated Allegation**: An allegation that was investigated and determined to have occurred.
 22. **Transgender**: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
 23. **Unfounded Allegation**: An allegation that was investigated and determined not to have occurred.
 24. **Unsubstantiated Allegation**: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.
 25. **Volunteer**: An individual, not an employee, who donates time and effort on a recurring basis to enhance activities and programs in facilities under the governing authority of FCSO.
 26. **Youthful Inmate**: Any person under the age of 18 who is under adult court supervision and incarcerated or detained in Fulton County Jail and its annexes.
 27. **Zero Tolerance**: The practice of not permitting undesirable behavior from offenders or staff to persist by applying immediate consequences for prohibited sexual conduct.

B. Definitions Related to Sexual Abuse and Sexual Harassment

Sexual Abuse: Unlawful sexual relations with a person of the same or opposite sex, done forcibly and/or against the person's will or done with a person incapable of consenting as a result of being drugged, drunk, unconscious, mentally abnormal, physically helpless, or legally incapable of giving consent.

Sexual abuse (as defined in PREA Standard §115.6) **includes**:

1. Sexual abuse of an inmate by another inmate; and

2. Sexual abuse of an inmate by a staff member, contractor, volunteer, or intern.

Sexual abuse of an inmate by another inmate 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 by a staff member, contractor, volunteer, or intern includes any of the following acts, with or without consent of the inmate:

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, volunteer, or intern 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, volunteer, or intern 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, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire,
6. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in the activities described in paragraphs (1)-(5) of this section,
7. Any display by a staff member, contractor, volunteer, or intern of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
8. Voyeurism by a staff member, contractor, volunteer, or intern.

NOTE: Sexual acts or contact between inmates and a staff member, contractor, volunteer, or intern, even when no objections are raised by either party, are always forbidden and illegal. Accordingly, except in cases where the staff member, contractor, volunteer, or intern is clearly the victim of sexually abusive behavior by an inmate, sexual behavior between a staff member, contractor, volunteer, or intern is always the staff member, contractor, volunteer, or intern responsibility.

Sexual Harassment: Includes any non-contact behavior or act that subjects another person to verbal or written statements or gestures of sexual or romantic nature; creating or encouraging an atmosphere of intimidations, hostility, or offensiveness as perceived by the individual who observes the sexually offensive behavior or act including but not limited to the following:

1. Any repeated and/or unwelcome sexual advances, requests for sexual favors,

obscene or profane language or verbal comments or actions of a derogatory or offensive sexual nature, including demeaning reference to gender, inappropriate, sexually suggestive, or derogatory comments about body or clothing, or obscene language or sexually harassing gestures, or written statements of a sexual or romantic nature.

2. Indecent exposure or any intentional or unwanted displays of anus, genitals, breasts, or other body parts to sexually harass another person or masturbation in the presence or direct vision of another person.
3. Taking or soliciting photographs or images of a person's nude breast's, genitals, buttocks, or naked body while performing bodily functions.
4. Any repeated unwelcome sexual advances, requests for sexual favors, unequal treatment, or other unwelcome verbal and physical conduct based on sex when:
 - i. Submission to such conduct is made either explicit or implicit as a term or condition of an individual's employment; or,
 - ii. Submission to or rejections of such conduct is used as the basis for employment decisions about a person; or,
 - iii. Such conduct has the purpose or effect of substantially and unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive or educational environment.

NOTE: "Repeated" in the context of this provision means more than one incident. The seriousness of the conduct shall be taken into account in determining the appropriate commensurate response by the facility and serious misconduct along these lines, even if committed once, shall be addressed.