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SECRETARY**

**PROCEDURE NUMBER: 602.053**

**PROCEDURE TITLE: PRISON RAPE: PREVENTION, DETECTION, AND RESPONSE**

**RESPONSIBLE AUTHORITY: OFFICE OF INSTITUTIONS**

**EFFECTIVE DATE: OCTOBER 14, 2016**

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**SUPERSEDES: PROCEDURE 108.006**

**RELEVANT DC FORMS: DC4-529, DC4-683M, DC4-711B, DC6-210, DC6-236, DC6-2076, DC6-2079, DC6-2080, DC6-2081, DC6-2084, DC6-2086, NI1-062, NI1-063, NI1-064, NI1-065, NI1-120, NI1-125, AND NI1-127**

**OTHER RELEVANT FORMS: SSV-1A AND SSV-2**

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**ACA/CAC STANDARDS: 4-4281-1 THROUGH 4-4281-8, 4-4056, 4-4406, AND 4-ACRS-6A-05**

**STATE/FEDERAL STATUTES: PRISON RAPE ELIMINATION ACT (PREA) OF 2003, PL 108-79) AND SECTIONS 92.56, 944.31, AND 944.35, F.S.; AND CHAPTER 794, F.S.**

**FLORIDA ADMINISTRATIVE CODE: CHAPTER 33-602; AND RULES 33-208.002, AND 33-208.003, F.A.C.**

**PURPOSE:** To establish zero-tolerance standards for sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in institutions and community corrections while protecting the rights of inmates and offenders, regardless of gender or sexual preference, through accountability of perpetrators and the punishment of those institutional and community correctional officials who fail to prevent, detect, and respond to sexual abuse, sexual battery, and sexual harassment crimes for incarcerated inmates and those offenders under Departmental jurisdiction.

To establish and provide implementation of standards for the detection, prevention, elimination and punishment of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment by increasing the availability of data, information, and training on the incidence of sexual abuse, sexual battery, and sexual harassment, consequently improving the management and administration of correctional facilities.

To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment.

The definitions contained herein are limited to the reporting, training, and investigation of alleged sexual abuse, sexual battery, sexual harassment, and sexual misconduct made pursuant to the Prison Rape Elimination Act of 2003. No definition contained herein expands or provides a cause of action under state or federal law. No definition contained herein applies to any other procedure or protocol of the Department unless expressly provided for in an applicable procedure.

**DEFINITIONS:**

- (1) **Abuser/Predator**, where used herein, refers to a staff member, volunteer, contractor, or inmate committing forcible sexual contact against an inmate.
- (2) **Audit**, where used herein, refers to the inspection of facilities, conducted by individuals certified by the U.S. Department of Justice (USDOJ), to ensure compliance with PREA standards.
- (3) **CARP**, where used herein, refers to the Computer Assisted Reception Process, the Department's automated reception process that encodes and stores inmate information including health, security, and classification assessments.
- (4) **Compliance Manager**, where used herein, refers to an employee designated at each facility to coordinate the institution's effort to comply with PREA standards.
- (5) **Contractor**, where used herein, refers to a person who provides service on a recurring basis pursuant to a contractual agreement with the Department or any state agency in which state prisoners are housed, worked, or kept.
- (6) **Data**, where used herein, refers to the information collected by the PREA Coordinator regarding incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This data will be made available to the federal government as required.

- (7) **Department of Corrections Accreditation Management System (DCAMS)** refers to the database utilized by the PREA Compliance Manager and her/his designees to prepare and maintain records of accreditation activities including compliance checklists, reports, standard lists, labels, self-evaluations, etc.
- (8) **Employee/Staff**, where used herein, refers to an individual who works for the Department on a full-time or part-time basis.
- (9) **Exigent Circumstances**, where used herein, refers to any set of temporary and unforeseen circumstances which requires immediate action in order to combat a threat to the security or institutional order of a facility.
- (10) **Forensic Medical Examination**, where used herein, refers to an examination conducted by a Sexual Abuse Nurse Examiner (SANE) or Sexual Abuse Forensic Exam (SAFE) nurse that allows for the collection of physical evidence to be utilized for sexual abuse/sexual battery investigations.
- (11) **Gender Dysphoria (GD)**, where used herein, refers to the range of diagnostic criteria referenced in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM5), particularly, personal identification with a gender other than the assigned gender. Gender Dysphoria includes conditions previously referred to as Gender Identity Disorder, Transsexual, Transgender, or other similar conditions.
- (12) **Gender Nonconforming**, where used herein, refers to a person whose appearance or manner does not conform to traditional societal gender expectation.
- (13) **Inspector**, where used herein, refers to the Inspector or Senior Inspector assigned by the Office of the Inspector General to investigate allegations of sexual battery, sexual abuse, staff sexual misconduct, and/or staff sexual harassment.
- (14) **Intersex**, where used herein, refers to a medical condition wherein a person's sexual anatomy, or chromosomal pattern does not fit the definition of male or female. This may also be referred to as a disorder of sex development.
- (15) **LGBTI**, where used herein, refers to Lesbian, Gay, Bisexual, Transgender, and Intersex.
- (16) **Offender Based Information System (OBIS)**, where used herein, refers to the Department's mainframe-driven electronic database which maintains electronic records on all inmates.
- (17) **Prison Rape Elimination Act (PREA)**, where used herein, refers to Part 115 of Title 28 of the Code of Federal Regulations (C.F.R.), National Standards to Prevent, Detect, and Respond to Prison Rape, under the "Prison Rape Elimination Act of 2003." PREA provides for analysis of the incidence and effects of prison rape in federal, state, and local institutions, and for information, resources, recommendations, and funding to protect individuals from prison rape.
- (18) **PREA Coordinator**, where used herein, refers to the staff member in the Office of Institutions assigned to develop, implement, and oversee the Department's efforts to comply with the PREA standards.

(19) **Sexual Abuse**, where used herein, refers to:

- (a) any unwanted or coerced act by an inmate against another inmate, without the inmate's consent, including any of the following:
  - 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, 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 buttocks of another person, excluding contact incidental to a physical altercation.
  
- (b) any of the following acts perpetrated by a staff member, contractor, or volunteer against an inmate, 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, 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 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 1-4 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, and
  - 8. voyeurism by a staff member, contractor, or volunteer.

(20) **Sexual Abuse Investigation Review Committee (SAIRC)**, where used herein, refers to the committee that is responsible for reviewing sexual abuse incidents at each institution.

(21) **Sexual Assault Response Team (SART)**, where used herein, refers to a contract medical team that, at the direction of staff from the Office of the Inspector General, responds to reported sexual abuse and/or sexual assault incidents in all regions where the Department has a contract, by conducting a forensic sexual assault examination at the reporting facility.

(22) **Sexual Battery**, where used herein, refers to nonconsensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the oral, anal, or vaginal penetration of another by any other object; however, sexual battery does not include an act done for bona fide medical purpose. Any inmate, employee, volunteer, or contractor who commits a sexual battery may be criminally prosecuted pursuant to chapter 794, F.S.

- (23) **Sexual Harassment**, where used herein, includes “**repeated**” verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, or another inmate such as:
- (a) demeaning references to gender or derogatory comments about body or clothing; or
  - (b) profane or obscene language or gestures; or
  - (c) statements, conveyed through normal conversation with sexual or inappropriate connotation;
  - (d) coercive statements of a sexual nature; or
  - (e) unwelcome sexual advances, and requests for sexual favors.
- (24) **Staff Sexual Misconduct**, where used herein, refers to the above referenced sexual abuse and sexual battery of an inmate or offender by an employee. Pursuant to section 944.35, F.S., any employee of the Department, who engages in sexual misconduct with an inmate or offender without committing the crime of sexual battery, commits a felony of the third degree.
- (25) **Transgender**, where used herein, refers to a person whose gender identity is different from the person’s assigned sex at birth.
- (26) **Victim Advocate**, where used herein, refers to a qualified individual trained in rape crisis counseling.
- (27) **Volunteer**, where used herein, refers to an individual who donates her/his time or effort on a recurring basis to enhance the activities and programs at the facility.
- (28) **Voyeurism**, where used herein, refers to the invasion of an inmate’s privacy by staff for reasons unrelated to official duties, such as staring at an inmate who is using a toilet to perform bodily functions, showering, changing clothes, or taking images of all or parts of an inmate’s naked body.
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**SPECIFIC PROCEDURES:**

**An inmate or offender cannot consent to sexual or romantic behavior with a staff member, contractor, or volunteer while under the supervision of the Department of Corrections.**

- (1) **EXCLUSIONS:** The terms and conditions as described throughout this procedure will not apply to:
- (a) the use of custodial personnel’s hands or electronic contraband detection devices to perform clothed or unclothed searches of inmates in accordance with “Contraband and Searches of Inmates,” Procedure 602.018:
  - (b) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating a prison sexual battery;

- (c) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison sexual abuse; or
- (d) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches of inmates in accordance with "Contraband and Searches of Inmates", Procedure 602.018.

(2) **PREVENTION/DETECTION**

(a) **Identification:**

1. Initial orientation will be provided to all newly received inmates concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with "Inmate Orientation," Procedure 601.210.
2. Each time an inmate arrives at an institution, Health Services staff will screen the inmate upon arrival as soon as possible, and within twenty-four (24) hours. This screening shall be conducted as part of the intake process to assess the inmate's sexual orientation, including whether the inmate identifies as LGBTI, and whether the inmate has a mental, physical, or developmental disorder that requires particularized medical or mental health care. This information will be documented in CARP.
3. Inmates with a possible diagnosis of Gender Dysphoria (GD), including inmates who allege they have GD, will receive appropriate physical and mental health evaluations from qualified medical and mental health practitioners. The evaluations will include an assessment of the inmate's pre-incarceration treatment and life experiences history and post-incarceration treatment and experiences, including but not limited to:
  - a. hormone therapy;
  - b. completed or in-process surgical procedures;
  - c. life experiences consistent with the inmate's gender identity; and
  - d. mental health history.
4. Housing for the potential GD inmate will be determined on a case by case basis. The inmate's safety as well as the safety and the security of the institutional compound will be taken into consideration when making the housing determination. If indicated, the input of the physician may be sought before a determination is made. The potential GD inmate must sign an authorization ("Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information," DC4-711B) for the release of information for all pertinent outside medical and mental health records, if any exist. If an inmate is identified as transgender or intersex, it will be documented on the "Appointment" screen in OBIS. All transgender and intersex inmates will be referred to classification for follow-up as outlined below in section 2(a)(11) of this procedure.
5. Access to necessary physical and mental health evaluations and treatment will be provided to assist an inmate with suspected GD in adaptive functioning and preparation for re-entry upon release.
6. Classification will screen inmates within seventy-two (72) hours of intake. Characteristics such as the inmate's age, criminal record, and prior identified history of sexual victimization or predation will be utilized to help determine if s/he is at risk of future victimization of sexual abuse, sexual battery, or is at risk of committing sexual abuse or sexual battery. If s/he is identified as a potential victim or abuser (perpetrator); housing, bed, and work

assignments will be appropriately assigned based on known information and established protocol.

7. Within thirty (30) days from the initial intake screening, the institution will reassess the inmate's risk of victimization or abusiveness if additional information is received by the institution.
8. An inmate's risk level will be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
9. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status.
10. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.
11. Inmates identified as transgender or intersex by medical staff, will be given housing and program assignments after a case-by-case analysis, consistent with custody level, medical status, and safety concerns. At least twice per year, these inmates will be referred by medical staff to classification for a review of housing and program assignments, including any known threats to safety.
12. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

(b) **Staff:**

1. In conjunction with each institution, the Office of Institutions will develop a particularized staffing plan for each institution that provides adequate staffing levels, and where applicable, video monitoring, to protect inmates against sexual abuse, sexual battery, staff sexual misconduct and sexual harassment. This plan shall be reviewed at least once per year to assess, determine, and document whether adjustments are necessary, both by the Warden of the institution and by the PREA Coordinator.
2. Any staff member will notify the Shift Supervisor if s/he observes an inmate acting in what appears to be a sexually threatening or coercive manner, or if the staff member has reason to believe that an inmate poses a risk of being sexually victimized.
  - a. The Shift Supervisor will ensure that the inmate is referred to mental health, or in their absence, medical staff, for appropriate review through submission of a "Staff Request/Referral," DC4-529.
  - b. Mental health officials will conduct a screening. If the results of the mental health screening indicate the inmate acknowledges that a PREA event occurred, mental health staff will advise the Shift Supervisor who will then initiate an "Incident Report," DC6-210, with a completed "OIC PREA Checklist", DC6-2086, and process it in accordance with section (3)(a) through (b) of this procedure, inclusive of issuance of a PREA number.
  - c. Security/safety concerns will be immediately addressed by the Shift Supervisor and s/he will take necessary steps to ensure the security/safety of the inmate(s) in accordance with this procedure and "Administrative Confinement," Rule 33-602.220, F.A.C. if the inmate is initially placed on a PREA confinement status.
3. The Chief of Security shall ensure that unannounced supervisory rounds and opposite gender housing announcements are conducted in accordance with post orders.
4. Community Corrections staff who have reason to believe that an offender demonstrates sexually abusive behavior or poses a risk for sexual victimization, will notify the Circuit

Administrator, who in turn will notify the appropriate local law enforcement agency where the offender resides.

(c) **Training/Education:** All staff training on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment related to PREA standards shall be developed by the Bureau of Staff Development and Training. All staff shall be thoroughly trained and informed regarding the Department's zero-tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment at least every two (2) years. In addition to the general PREA training, investigators, medical health care practitioners, and mental health care practitioners who work regularly with inmates shall complete specialized training. The general PREA training shall include:

1. a statement on the Department's zero-tolerance for sexual abuse and sexual harassment;
2. how employees shall fulfill their responsibilities under this and related procedures and policies;
3. an inmate's right to be free from sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;
4. the rights of both staff and inmates to be free from retaliation for reporting sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;
5. the dynamics of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;
6. common reactions to sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;
7. how to detect and respond to signs of threatened and actual sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;
8. how to avoid inappropriate relationships with inmates and offenders; and
9. how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.

(d) **Contractors and Volunteers:** The institution shall ensure that all contractors and volunteers who have contact with inmates are trained on their responsibilities under this and related policies via the Staff Development and Training lesson plan "Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors Read and Sign", NI1-127. This training shall be administered to all contractors and volunteers every three (3) years. In addition, the "PREA Brochure for Interns, Volunteers, and Contractors," NI1-125 will be distributed annually to all contractors and volunteers.

(e) **Inmates:**

1. Each institution will ensure that the inmate orientation process will encourage inmates to immediately report any concern or fear of possible sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to correctional staff. This orientation will be conducted in accordance with "Inmate Orientation," Procedure 601.210.
2. Inmates with recognized disabilities and Limited English Proficiency (LEP) shall be advised of the Department's zero tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with the resources outlined in "Americans with Disabilities Act Provisions for Inmates," Procedure 604.101 and other Department resources as appropriate. Resources include:
  - a. closed captioning (deaf/hard of hearing);



- b. large print material (impaired vision);
  - c. reading of materials to inmate(s) by staff (blind/limited mental capacity);
  - d. the Departments translator list (LEP) <http://cos33/dcweb2/co/sop/prea/files/FDC-Translator-List.xlsx>; and
  - e. Language Line services (LEP) <http://dcweb/co/sop/prea/files/Language-Line.pdf>.
3. Inmates shall not be used as interpreters or readers except in exigent circumstances.
  4. Each institution will ensure that “Sexual Abuse Awareness,” NI1-120 is distributed to inmates, and that one of the following posters are clearly displayed, in both English and Spanish, in areas easily accessible to inmates, family members, and the public at each facility:
    - a. “PREA Poster – A,” NI1-062
    - b. “PREA Poster – B,” NI1-063
    - c. “PREA Poster – C,” NI1-064, and
    - d. “PREA Poster – D,” NI1-065.
- (f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but is not limited to:
1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;
  2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment to the Office of the Inspector General;
  3. taking immediate steps to ensure preservation of possible crime scenes, including appropriate evidence protection;
  4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused or battered or of an inmate who may have reported the sexual abuse or sexual battery of another; and
  5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment.
- (3) **REPORTING:** All incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment will be reported in accordance with: “Incident Reports - Institutions,” Procedure 602.008; or “Incident Reports – Community Corrections,” Procedure 302.045, as appropriate; and “Reporting Incidents to the Inspector General and Management Information Notification System,” Procedure 108.007; and “Emergency Action Center,” Procedure 602.012.
- (a) **The following methods are available for inmates and offenders to report incidents of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment:**
1. a verbal report to any staff member, volunteer, or contractor;
  2. calling the TIPS line (866-246-4412 or \*8477 for inmates);
  3. filing an “Inmate Request,” DC6-236;
  4. filing an informal and/or formal grievance;
  5. having a family member, friend, or other member of the public fill out the online Citizen’s Complaint form;
  6. having a family member, friend, or other member of the public submit a third (3<sup>rd</sup>) party grievance;
  7. write or e-mail the Office of the Inspector General;

8. write or e-mail the PREA Coordinator.

(b) For all reported or known institutional incidents involving sexual abuse, sexual battery, staff sexual misconduct, or staff sexual harassment, the Shift Supervisor will ensure the Emergency Action Center (EAC) is contacted, that a DC6-210 is completed with a completed DC6-2086 attached, and that a Management Information Notification System (MINS) report is submitted.

(c) No initial time limit shall be imposed for sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment grievances.

(4) **RESPONSE:**

(a) **Institution:** Any employee, volunteer, or contractor who observes, has knowledge of, or receives information, written or verbal (either first hand or from a third party), regarding the fear of, coercion into, or actual sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will immediately notify the Shift Supervisor, the Chief of Security, the Warden, or the Office of the Inspector General, who will then take immediate steps to evaluate the inmate's concern/allegation. The authority notified will ensure proper medical treatment (if applicable) and the safety of the inmate by means provided in "Administrative Confinement," Rule 33-602.220, F.A.C., if applicable. An investigation will be initiated in accordance with "Investigative Process," Procedure 108.003 and "Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations," Procedure 108.015.

1. Any employee who fails to report or take immediate action regarding these incidents, or intentionally manifest actions to embarrass, demean, or humiliate any victim or informant, or trivializes a report of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will be subject to discipline, up to and including termination.

2. Upon notification of a PREA incident the inmate victim may be placed in administrative confinement pursuant to the provisions of "Administrative Confinement", Rule 33-302.220, FAC. The Institutional Classification Team (ICT) will conduct the seventy-two (72) hour review of the named PREA victim. During the review, the inmate victim will indicate her/his housing preference on a "PREA Victim Housing Preference," DC6-2084, indicating whether s/he prefers to remain in administrative confinement. The ICT will take into consideration the inmate's preference, all available information related to the PREA allegation, the safety and security of the institution, and all available alternative housing options and then issue a final decision on whether the inmate will remain in administrative confinement or be released back to general population.

3. Upon notification of a PREA incident, the inmate perpetrator may be placed in administrative confinement pursuant to the provisions of "Administrative Confinement," Rule 33-602.220, FAC. The ICT will conduct the seventy-two (72) hour review of the named PREA perpetrator. The ICT will take into consideration all available information related to the PREA allegation, the safety and security of the institution, all available alternative housing options and then issue a final decision on whether the inmate will remain in administrative confinement or be released back to general population.

4. Upon learning of an inmate sexual abuse or sexual battery allegation or incident, the first security staff member to respond to the report shall be required to;

a. separate the alleged victim and abuser;

- b. preserve and protect any potential crime scene until appropriate steps can be taken to collect any evidence;
  - c. if the alleged abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
  - d. if the first responder is not a security staff member, request that the alleged victim not take any action that could destroy physical evidence, and then notify security staff.
5. Any inmate who alleges sexual abuse or sexual battery shall be given a copy of the NI1-120 and advised of her/his right to access crisis intervention services, to have a forensic examination, and to have a victim advocate present during the forensic examination and/or the investigative interview, if s/he chooses. The provision of the NI1-120 and the advisement of rights shall be documented on a DC6-210.
  6. A medical examination is not required for an inmate who alleges only sexual harassment or alleges an incident where no physical contact occurred. Mental Health services, however, shall be offered in these instances.
  7. Inmates and/or staff who report sexual abuse will be monitored for retaliation for at least ninety (90) days, with at least three (3) contact status checks to occur within the ninety (90) day monitoring period at the thirty (30), sixty (60), and ninety (90) day marks from the date of the allegation.
    - a. Conduct, treatment by other staff and inmates, and changes in demeanor will be monitored along with the periodic status checks. For auditing purposes, it is the responsibility of the originating facility.
    - b. If an inmate is transferred during the ninety (90) day monitoring period, it is the receiving institutions' procedural responsibility to continue monitoring the inmate for the remainder of the ninety (90) day period.
    - c. Although monitoring shall continue for at least ninety (90) days, if during this period, the investigation has determined the allegation to be unfounded, monitoring may cease.
  8. If staff at a receiving institution receives information that sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment occurred at another institution, the receiving institutions Warden shall notify the sending institutions Warden within seventy-two (72) hours of receiving the allegation. The notification shall be documented on a DC6-210.
  9. The receiving institution, where the allegation is reported, will be responsible for contacting EAC, completing a DC6-210, and entering the appropriate information into MINS for appropriate handling
- (b) **Community Corrections:** If an offender on supervision is residing in a contracted residential treatment facility as a condition of supervision and that offender makes a report of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment, the staff member, contractor or volunteer receiving the allegation will notify her/his supervisor who will then notify the Circuit Administrator. The Circuit Administrator will then notify the Office of the Inspector General. If appropriate, the Office of the Inspector General will notify local law enforcement and the Program Manager. If the Program Manager is notified, s/he will notify her/his supervisor and the contract provider. An investigation will be initiated in accordance with "Investigative Process," Procedure 108.003, and "Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations," Procedure 108.015.

1. If an offender makes a report of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to her/his Correctional Probation Officer or any other Community Corrections employee regarding an incident alleged to have occurred in the community as opposed to on any property under the Department's control and not involving any Department staff, contractor, or volunteer, the employee shall refer the complaint to local law enforcement. This procedure is not applicable in this situation and no PREA number shall be assigned to the reporting of the allegation.
2. If an offender makes a report of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to her/his Correctional Probation Officer, or any other Community Corrections employee, regarding an incident alleged to have occurred while the offender was incarcerated Department institution, or was otherwise under control of the Department, this report or allegation will be reported and referred to the Office of the Inspector General, as detailed herein.

(5) **POST SEXUAL BATTERY GUIDELINES:** The Office of the Inspector General shall conduct all investigations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment pursuant to section 944.31, F.S., "Investigative Process," Procedure 108.003, and "Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations," Procedure 108.015.

- (a) If the alleged sexual abuse or sexual battery occurred less than seventy-two (72) hours prior to the reporting of the incident, post-sexual battery guidelines should be implemented immediately in an effort to preserve and collect evidence, including immediate notification to the Office of the Inspector General.
- (b) If the alleged sexual abuse or sexual battery occurred more than seventy-two (72) hours prior to the reporting of the incident, the Office of the Inspector General will be notified and will determine if physical evidence is likely to exist and whether it can be collected through a forensic examination before activating SART.

Staff from the Office of the Inspector General will collect evidence as appropriate and if possible, SART will collect the clothing the inmate was wearing at the time of the alleged sexual abuse or sexual battery.

- (c) **Neither the alleged victim nor abuser shall be allowed to shower or wash in any manner, until s/he is authorized to do so by the responding Inspector.**
- (d) In accordance with "Post-Sexual Battery Medical Action," Health Services Bulletin 15.03.36, no attempt will be made by medical staff to clean or treat the inmate unless the injuries are such that not treating them would cause deterioration of the inmate's medical condition.
- (e) If injuries do not necessitate immediate outside medical attention, staff from the Office of the Inspector General will determine whether SART should be activated.
- (f) Medical staff will ensure all facts and related information is documented completely and accurately on the "Alleged Sexual Battery Protocol," DC4-683M. The documents shall be maintained in the inmate's medical record.

- (g) If an inmate is taken out of an institution for any reason related to a PREA incident, it must be ascertained what tests the victim received outside of the institution and copies of those results will be placed in the inmate's medical record. The medical records of the victim and suspected perpetrator, as identified by the Office of the Inspector General, will be reviewed and appropriate testing identified, in accordance with Health Services Bulletin 15.03.36.
  - (h) Treatment as appropriate will be offered to the victim and alleged perpetrator based on results of testing. Regardless of the results of any testing conducted, education, including education on STD and HIV/AIDS symptoms and transmission, will be provided to the victim and alleged perpetrator.
- (6) **MEDICAL AND MENTAL HEALTH CARE:** If results of an SRI assessment or medical assessment indicate that an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the inmate shall be offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the screening.
- (a) The provision of any information relating to sexual victimization or abuse that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners, and other staff as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, state, or local law.
  - (b) If during a screening or services, medical and mental health practitioners gain knowledge of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment that did not occur in an institutional setting they shall obtain informed consent from the inmate before reporting the information, unless the inmate is under the age of eighteen (18). This informed consent shall be documented as received on a DC6-210.
  - (c) Alleged inmate victims of sexual abuse, sexual battery, or staff sexual misconduct shall receive timely, unimpeded access to emergency treatment and crisis intervention services, the nature and scope of which will be determined by medical and mental health practitioners according to their professional judgment.
  - (d) If no qualified medical or mental health practitioners are on duty at the time a recent abuse allegation is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.
  - (e) Inmate victims of sexual abuse, sexual battery, or staff sexual misconduct while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Additionally, the victim will be offered support services by means of a mailing address and/or telephone numbers to local community support group organizations, where available.

- (f) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident.
  - 1. As appropriate, medical and mental health evaluation and treatment shall be offered to all inmates who have been sexually victimized in any Department or contracted facility and will be consistent with the community level of care. The evaluation and treatment of such victims shall include as appropriate, follow-up services, and, when necessary, referrals for continued care following a transfer to, or placement in, another facility, or a release from custody.
  - 2. Inmate victims of vaginal penetration during the inmate's incarceration shall be offered pregnancy tests and, if pregnancy results, such victim will receive timely and comprehensive information about, and timely access to, all pregnancy-related medical services.
  - 3. A mental health evaluation will be offered to any identified inmate-on-inmate abusers within sixty (60) days of learning of such abuse history and, as appropriate, the abuser will be offered treatment.

(7) **DATA COLLECTION AND ANALYSIS:** The PREA Coordinator will be responsible for the compilation and reporting of data related to PREA incidents as defined herein, including the data necessary to complete the PREA survey administered by the Federal Bureau of Justice Statistics using a "Survey of Sexual Victimization-Incident Form," SSV-IA and "Survey of Sexual Victimization-State Prison Systems Summary Form," SSV-2. The data will also be utilized to improve the effectiveness of the Department's efforts toward sexual abuse prevention, detection, and response policies, practices and training, including identifying problem areas, taking corrective action, and the preparation of an annual report that includes a comparison of the current year's data and corrective actions with those from prior year. Each Compliance Manager will be responsible for compiling institution specific PREA data and preparing an annual corrective action plan for her/his institution.

(8) **BUREAU OF PERSONNEL:** The Bureau of Personnel will ensure that the PREA case number is recorded on all documents related to any employee disciplinary action resulting from actions taken relative to this procedure, including the "Employee Disciplinary Action" OBIS screen, PR20.

(9) **INMATE DISCIPLINE:**

- (a) Inmate(s) who have been found guilty of sexual abuse, sexual battery, or sexual harassment, through the course of either internal or external hearings will be processed in accordance with "Disciplinary Confinement," Rule 33-602.222, F.A.C., unless otherwise ordered through judicial or administrative process.
- (b) All inmates who have been found guilty (with a finding sustained, exceptionally cleared, or closed by arrest) of sexual abuse or sexual battery will be referred for Close Management (CM) review, in accordance with "Close Management," 33-601.800, F.A.C. and/or issued a Disciplinary Report (DR), in accordance with applicable inmate disciplinary rules 33-601.301, F.A.C, through 33-601.314, F.A.C. All CM and DR reviews will take into consideration whether the mental disabilities or mental illness contributed to the abuser or perpetrator's behavior.

- (c) When it is determined that an inmate has filed a PREA report in bad faith, i.e. knowingly filed a false report, that inmate shall be subject to discipline.

(10) **INVESTIGATIVE FINDINGS – REPORT:**

- (a) When an allegation is returned to management (RM) from the Office of the Inspector General, the institution will be responsible for conducting a PREA administrative security investigation utilizing a “PREA Investigative Report,” DC6-2079. Upon completion of this investigation, the facility will also be responsible for notifying the inmate(s) regarding the outcome of the investigation via an “Inmate Notification Administration Investigation Outcome,” DC6-2080. Once completed, the DC6-2079 will be forwarded to the PREA Coordinator.
- (b) Unless the allegation is unfounded, following an inmate’s allegation that a staff member has committed sexual abuse against her/him, the Warden or her/his designee shall inform the inmate via an “Inmate Notification PREA Staff Allegation,” DC6-2081, whenever the staff member is no longer:
  - 1. assigned to this facility; or
  - 2. employed with the Department.

- (11) **CASE RECORDS:** Case or investigation records, including but not limited to, any criminal investigation, administrative investigation, medical evaluations and treatments, recommendations of post-release treatment, and counseling associated with allegations of sexual abuse or sexual battery shall be retained by the agency for ten (10) years after the date of the initial collection or for the incarceration period of the victim or employment of the suspect or subject, plus five (5) years, whichever is longer. Compliance Managers are responsible for uploading all related documents to the facility’s electronic retention file once a PREA case is completed.

- (12) **CONFIDENTIALITY OF RECORDS:** No employee, volunteer, or contractor may knowingly disclose any information pursuant a sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to any person other except as permitted by law. The release of any information identifying any PREA or other sexual battery or sexual abuse victims in the custody of the Department shall not be printed, published, or broadcasted unless a court determines that such information is no longer confidential and exempt pursuant to section 92.56, F.S., or other applicable law.

- (13) **SEXUAL ABUSE/BATTERY REVIEW:** The institution shall conduct a sexual abuse or sexual battery incident review within thirty (30) days of the conclusion of the investigation by completing the “Sexual Abuse Incident Review/Facility Investigation Summary,” DC6-2076. This review team shall consist of the Assistant Warden, Chief of Security, and Classification Supervisor. The team will also obtain input via reports from line supervisors, investigators, and medical or mental health practitioners. The SAIRC is not responsible for conducting a review of any allegation that is unfounded. The SAIRC shall meet to, at a minimum:

- (a) assess the adequacy of staffing levels in the area where the incident happened;

- (b) consider whether the incident/allegation was motivated by race, ethnicity, LGBTI identification, gang affiliation, or other group dynamics at the institution;
- (c) examine the area that the incident allegedly occurred to assess whether physical barriers or obstructions in the area may have enabled abuse;
- (d) assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- (e) on a monthly basis, prepare a report with recommendations for improvements, and submit to the PREA Coordinator.

(14) **PREA COORDINATOR AND COMPLIANCE MANAGERS:** The Office of Institutions, specifically through the PREA Coordinator and Compliance Managers, is responsible for the administration of the PREA compliance program.

- (a) **PREA Coordinator:** The PREA Coordinator will be responsible for:
  - 1. the coordination of the activities related to the PREA compliance program through:
    - a. the implementation of terms and conditions of the contracts with service providers for PREA audits in major institutions and work release centers;
    - b. the development of effective strategies to ensure a successful compliance, including policies, procedures, protocols, training, and dissemination of information related to the compliance with federal laws; and
    - c. the review of standards to suggest to the United States Department of Justice (USDOJ) any revisions, additions, or deletions which may be required;
  - 2. the review of all audits, survey results, and incident reports on issues that may affect the compliance process and taking a proactive approach to corrective measures;
  - 3. advising executive, managerial, and supervisory staff within the Department on issues related to the compliance process;
  - 4. planning, directing, and coordinating all activities related to the compliance program, including administrative, financial, and operational issues;
  - 5. serving as the liaison between the Department and the USDOJ;
  - 6. coordinating, as appropriate with Department program areas to ensure adherence to the compliance standards;
  - 7. maintaining records of all compliance activities, including, but not limited to:
    - a. compliance contract;
    - b. documentation of all audits, audit reports, corrective action plans, waivers, appeals, standards revisions, and compliance hearings;
    - c. Department correspondence with the USDOJ, their responses, and follow-up documentation;
    - d. any changes or amendments to the compliance contract, audit schedules, and hearings; and
    - e. other related documentation;
  - 8. ensuring proper operations and maintenance of the DCAMS database;
  - 9. providing training to staff covering all phases of the compliance process, including new compliance procedures and new or revised standards;



10. representing the Department in PREA compliance audits, hearings, PREA committee meetings, and conferences when necessary;
11. conducting pre-audit inspection of facilities to ensure that they are prepared for scheduled compliance audits;
12. acting as liaison between field staff and executive staff on compliance issues;
13. enforcing the performance of the PREA compliance contract terms and conditions;
14. assisting in the revision of the Department's policies and procedures to ensure compliance with PREA standards; and
15. conducting annual staffing reviews for each institution.

(b) **Compliance Manager:** The Compliance Manager will:

1. coordinate the compliance program at the facility under the advice of the PREA Coordinator;
2. ensure that the her/his institution is prepared for PREA audits, including gathering all documentation necessary to demonstrate compliance with the standards and ensuring that all files are completed at least six (6) weeks prior to the scheduled audit date;
3. along with the Warden, designate the compliance teams that will be responsible for evaluating the institution's operation against the assigned standards, determining compliance with both the standard and Department policy, compiling related documentation, preparing plans of action, and recommending additions, deletions, and revisions to existing policies and procedures;
4. submit security action requests (SAR) for those individuals designated to have access to the DCAMS database (each institution will have no more than ten [10] individuals with access to DCAMS, and no more than two [2] of the ten [10] shall have data input authority);
5. prepare and maintain records of all compliance activities within her/his respective institution, including folders, standards compliance checklists, supporting documentation, self-evaluation reports, audit reports, corrective action plans, waivers, monitoring reports, and correspondence related to the compliance program (the DCAMS database will be utilized whenever appropriate to store this information);
6. respond in a timely manner to any request(s) for information from the USDOJ submitted through the PREA Coordinator;
7. coordinate transportation, office space, facility tours, interviews, and information needed by the mock audit team or the visiting DOJ auditing team for the audit;
8. ensure the institution puts forth its best effort to maintain compliance during the three (3)-year period between audits; and
9. conduct annual PREA self audits during years where the facility does not receive a mock (pre-audit) or certified DOJ audit.

/S/  
Chief of Staff