



FLORIDA
DEPARTMENT of
CORRECTIONS

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October 7, 2013

Review Panel on Prison Rape
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
E-mail: PREAReviewPanel@usdoj.gov

Re: Hearing on Sexual Victimization in U.S. Prisons by the Review Panel of Prison Rape

Florida Department of Corrections Written Response

The Florida Department of Corrections is the third largest state correctional system in the United States. The department houses over 100,000 inmates and employs over 23,000 staff, the majority of whom work in forty-eight secure correctional institutions. The Florida Department of Corrections remains committed to eliminating rape and sexual harassment in our prisons. We have maintained a zero tolerance policy for staff sexual misconduct as well as inmate on inmate sexual contact. In an effort to accomplish the goals of PREA this department treats all allegations of sexual misconduct and sexual harassment seriously and investigates these matters to the fullest extent possible.

The department works to accomplish the goals of PREA through adherence to our internal PREA procedure, PREA training of staff and inmates, maintaining an electronic early reporting system (Management Information Notification System [MINS]) and taking prompt action following investigations. The MINS reporting process allows the department to document and follow-up with investigations and appropriate management remedies. The investigative protocols used by the Office of the Inspector General ensure that fair and balanced independent investigations of PREA allegations are conducted. Training of staff and inmates, preventing and detecting prohibited behavior, investigating reported incidents and keeping related statistics are keys to identifying and preventing abuse of inmates.

All allegations of sexual abuse are taken seriously and must be reported to the Office of Inspector General immediately. (See "Reporting Incidents to the Inspector General and Management Information Notification System," Policy and Procedure 108.007 and "Prison Rape: Prevention, Detection and Response," Policy and Procedure 602.053.) All staff regardless of their position are required to report any allegations of sexual abuse immediately. Failure of any staff member to report promptly would result in disciplinary action against that individual.

In accordance with Florida Law (Florida Statutes 944.35) it is a third degree felony for any employee of the department or a private correctional facility, who without committing the crime of sexual battery, engages in "sexual misconduct" with an inmate or offender supervised by the department. "Sexual misconduct" is defined in the law as the oral, anal, or vaginal penetration by, or union with, the sexual organ of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

Some inappropriate behavior by staff may not rise to the level of a statutory violation. In these instances staff may be disciplined for violations of staff conduct rules set out in Chapter 33-208, Florida Administrative Code. The department works to discover and take action in cases involving inappropriate staff-offender relationships before they become sexual in nature.

In addition to addressing staff misconduct the department works toward correcting inmate behavior. Discipline for inmate rule infractions is established in Chapter 33-601, Florida Administrative Code. Inmates who violate these rules are subject to the loss of privileges, gain-time and segregation. Inmates who violate the criminal laws of this state are subject to criminal penalties.

Santa Rosa Correctional Institution (SRCI)

For the purposes of this response Santa Rosa Correctional Institution includes both Santa Rosa Main Unit and Santa Rosa Annex. These are immediately adjacent components of SRCI sharing a common perimeter barrier on one side.

Santa Rosa Main Unit was established in 1996. This prison consists of two open bay style dormitories and six secure cell housing units housing an average of 1,364 inmates. These secure cell housing units consist of three wings with 42-44 cells per wing. These six secure cell living units house up to 1,280 close management (CM) inmates. *Close Management* is an inmate status requiring the confinement of an inmate apart from the general prison population in a restrictive, highly secure setting. This confinement status is necessary for reasons of security and/or the orderly and effective management of the Department's institutions. Inmates in this status, through their behavior, have demonstrated an inability to live in the general inmate population without violating or abusing the rights and privileges of others and/or creating significant disruption to institutional security and order. Each close management housing wing maintains constant video coverage; cell access is controlled by a central control location.

Santa Rosa Annex was established in 2006. This prison consists of four open bay style dormitories and four secure cell housing units housing an average of 1,336 inmates. One secure cell housing unit houses inmates in need of inpatient mental health treatment. Another of the secure cell housing units houses administrative and disciplinary confinement. Each of the secure cell living units maintains constant, archived video coverage.

Combined Santa Rosa C.I. houses approximately 2,700 inmates. Of these inmates, 1,812 are close custody and 1,661 are classified to require more restrictive secure celled housing. Santa Rosa is the largest of only four male institutions in the Florida Department of Corrections housing close management status inmates. Inmates in close management comprise approximately 3% of the

department's total inmate population of over 100,000 and include the most incorrigible, disruptive and difficult to manage members of this vast population.

The Sexual Victimization in Prison and Jails Reported by Inmates, 2011-12 report (hereinafter referred to as "the Report") has specifically identified SRCI.

As indicated previously, SRCI houses predominantly a population of very difficult to manage inmates. It is our contention and belief that the primary factor leading to the high incidence of anonymously reported allegations of sexual victimization of the inmate population by staff at SRCI is the type of inmate population housed there. Approximately 47% of SRCI's 2,700 inmates are housed in close management, confinement and inpatient mental health housing. Based on the security level of the facility the remaining general population includes a significant number of high security inmates that present either an escape risk, a history of violence or a recent release from close management status.

Between December 2009 and June 2011 the department received 115 allegations from inmates or inmate family members claiming inappropriate conduct by staff relating to PREA. By population this equates to approximately 1% of the SRCI inmate population alleging staff sexual abuse and approximately 3% of the SRCI inmate population alleging staff sexual harassment as defined in department procedure 602.053. Additionally the department received 29 allegations of inmate on inmate PREA incidents alleging either inmate on inmate sexual abuse or harassment as defined in department procedure 602.053. By population this equates to approximately 1% of the SRCI inmate population alleging PREA complaints against other inmates at SRCI.

Any and all reports of sexual misconduct of any type by inmates are thoroughly investigated utilizing readily available video recordings and witness accounts by both staff and inmates concerning the allegations. All safety concerns observed by staff or alleged by inmates are addressed immediately. Mechanisms for providing for the protective needs of the inmate population include but are not limited to those outlined in Chapter 33-602.221 Florida Administrative Code.

Security practices in the CM living units are rigorous and carefully performed and monitored. CM inmates in CMI and CMII statuses are always restrained in a minimum of handcuffs applied behind their backs whenever they are out of their assigned cell. Two security staff are required to be present whenever inmates in either of these statuses are brought out of their cell for any reason. Additionally, all CM inmates are routinely subject to either a clothed or alternately unclothed body search prior to being allowed to exit their cell for escort and subsequently prior to reentering the cell at the conclusion of the escort. Hands on escort is required to ensure control of the inmate's movement is maintained and to ensure that he/she is not injured should they fall while restrained behind the back. All security procedures and activities occurring by staff assigned to the living areas themselves are also observed and monitored constantly by officers stationed in elevated, secure control rooms with walls comprised solely of impact resistant security glass. These same control officers remotely control the cell door locks and must initiate any opening of an inmate cell door. Officers assigned to the living areas themselves do not carry any keys to access the inmate cell doors. All activities within the CM housing unit are documented by the assigned control room Officer/Sergeant.

All activities by staff in these living areas are monitored by control room staff and video cameras that record 24 hours each day with archived recordings for at least 30 days. Additionally, the cells in the CM living units are arranged in such a manner that the activities of security and other staff are clearly visible to a significant number of the inmates assigned to each living area – a number ranging between 30-60 inmates depending on the CM levels in the area and subsequently whether they are double bunked or not. Inmates hear distinctly the opening of the living area access door and in many cases peer immediately through the view windows existing in all of the cell doors to see what is going on.

Quite frankly, it is not surprising that this most difficult to manage inmate population would take the opportunity to anonymously make these sorts of accusations about the staff who must manage them on a daily basis in this most restrictive environment where their freedoms are necessarily limited and all of their activities strictly supervised. To the contrary, if there were not a higher incidence of such anonymous allegations from this type of inmate population, those who understand the human dynamics of such a prison environment would question the quality of the opportunity provided to the inmates to provide the allegations.

Lawtey Correctional Institution (LCI).

Lawtey Correctional Institution was established in 1973 as a community vocational center housing work release inmates. In 1977 it was converted to a major adult facility housing male inmates. In 2004, LCI became a faith and character based institution. LCI houses medium, minimum, and community custody inmates in eight barracks style, open bay dormitories housing inmates and one housing unit consisting of rooms with doors that cannot be secured housing approximately 200 inmates. There is no camera coverage in the living areas and the supervising staffing levels are greatly reduced from that found at SRCI.

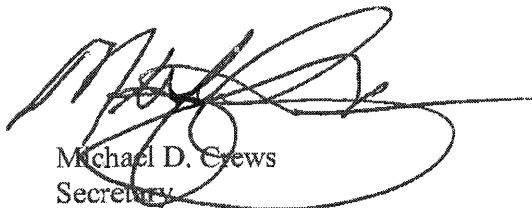
LCI houses a vastly different population than that of SRCI. LCI does not house close management, inpatient mental health, close custody or confinement inmates. LCI maintains approximately 800 inmates. LCI inmates actually must meet reduced custody requirements and make application to be housed there and must additionally meet behavioral requirements to be considered for placement as well as to be allowed to remain at the facility once accepted. The highest custody grade inmates allowed at LCI are medium custody inmates and the typical inmate is within 10 years of release. There are no inmates who have a current or prior sex offense at LCI. The environment at LCI is consequently much more relaxed commensurate with the lower risk/threat level associated with this type population. Should an inmate no longer want to participate in the programming at LCI the inmate may request a transfer and will be moved to another institution. As one would logically expect, confrontational incidents where staff must correct the inmate population's behavior occur much less frequently than at a facility such as SRCI. The bottom line is that the inmates at LCI are significantly less inclined to falsely allege inappropriate sexual misconduct by staff when given an anonymous opportunity to do so. It is really quite clear that the very obvious difference in the composition of the inmate populations at LCI and SRCI provides the real insight into the differing frequency of sexual misconduct allegations and not any particular action or inaction on the Department's part to manage the issue of sexual abuse and misconduct. All of the department's initiatives as previously described, as well as to follow, apply equally to both SRCI and LCI.

Between December 2009 and June 2011 the department received zero reports of inmate on inmate sexual harassment or assault as well as zero reports of staff sexual misconduct or staff sexual harassment from inmates at LCI.

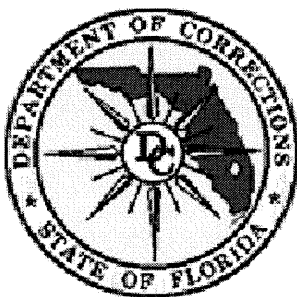
Measures that the Florida Department of Corrections, SRCI, and LCI have taken to reduce the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault.

The department has continued to prioritize responding to allegations of sexual misconduct and maintained a zero tolerance policy regarding sexual abuse/battery and sexual harassment in its institutions. The Florida Department of Corrections recently revised its PREA procedure as a result of direction found in the final regulations released in May 2012 and the audit instrument released in May 2013. This procedure was a result of a joint effort where many sections of the department came together to combat this very important issue. Additionally, the department has established the Assistant Warden of Programs at each institution as the institutional PREA coordinators, thereby creating both accountability and sufficient authority in the position commensurate with the importance of this issue; created a system of accountability where each institution maintains a properly trained PREA coordinator on site at the facility; required that all PREA reports are discussed at the facility by a multidisciplinary team to examine areas of improvement at the facility; dedicated two statewide PREA coordinators working out of the Office of Institutions; developed an assessment tool to identify those inmates that have a greater likelihood of victimization or predation; implemented PREA training of staff, contractors, volunteers, and vendors; enhanced PREA training for inmates during orientation; obtained a contract to implement Sexual Assault Response Teams (SART) statewide, counseling services for victims of sexual assault, and outside advocacy services for inmates; the Office of the Inspector General implemented a training plan specific to the requirements and intent of PREA, that included developing of an investigative procedure related to investigating staff sexual misconduct and sexual assaults for Statewide Investigations. In addition to the OIG training plan, an electronic complaint form was initiated, allowing staff and the public to make complaints directly to the Office of the Inspector General.

In the past year the department has unveiled its Inmate Behavioral Assessment Scale/ Sexual Risk Indicator or IBAS/SRI system. The IBAS/SRI system is a comprehensive electronic classification and management tool that aids in the identification of aggressive and dangerous inmates as well as those with potential for victimization. While this system is relatively new it represents what the department feels is a paradigm shift in the classification of inmates with an eye on providing a safer environment for both inmates and staff. Some of what the department has learned in the development and implementation of the IBAS/SRI system has been integral in the continued development of a working predator/prey inmate identification system. The department is ever mindful that any system developed with the goal of predicting behavior will likely never be a perfect tool for identifying all threats. The department remains committed to working to provide the safest prison environment possible.



Michael D. Crews
Secretary



KENNETH S. TUCKER
SECRETARY

PROCEDURE NUMBER: 108.007

PROCEDURE TITLE: REPORTING INCIDENTS TO THE INSPECTOR
GENERAL AND MANAGEMENT
INFORMATION NOTIFICATION SYSTEM

RESPONSIBLE AUTHORITY: OFFICE OF THE INSPECTOR GENERAL

EFFECTIVE DATE: JULY 17, 2012

INITIAL ISSUE DATE: JANUARY 19, 2005

SUPERSEDES: P.P.D. 1.04.05

RELEVANT DC FORMS: NI1-014 AND NI1-026

ACA/CAC STANDARDS: 4-4231

STATE/FEDERAL STATUTES: 45CFR; AND SECTIONS 160.501 943.13, 943.1395, AND
944.31, F.S.

FLORIDA ADMINISTRATIVE CODE: RULES 33-102.101, 33-208.001, 33-208.002, 33-
302.104, 33-302.105, 33-404.107, 33-601.708, 33-602.112, 33-602.203, 33-602.206, 33-602.210
AND 33-602.220, F.A.C.

PURPOSE: To establish guidelines for the prompt and efficient reporting and dissemination of information concerning incidents, complaints, and events to the Inspector General and designated Department of Corrections' staff. The information contained herein should not be interpreted to satisfy other reporting requirements which may be mandated elsewhere in other Department procedures.

DEFINITIONS:

- (1) **Administrative Investigation**, where used herein, refers to an investigation of allegations that, if proven, could subject an individual to discipline by the Department of Corrections or other entity and/or an investigation that involves the rules, regulations, procedures, or contractual obligations of the Department of Corrections. This includes investigations of allegations that, if proven, could reflect upon a Department of Corrections employee's ability to continue as a certified officer under Sections 943.13 and 943.1395, F.S.
- (2) **"Classification of Complaints/Incidents," NII-014**, where used herein, refers to a coded list identifying specific incidents, events, or complaints that are required to be reported. This coded list can be downloaded as NII-014 from the "Official Forms" web site on the Intranet.
- (3) **Creator**, where used herein, refers to an individual who is authorized and trained to enter the MINS messages.
- (4) **Criminal Investigation**, where used herein, refers to an investigation of allegations that, if proven, could subject an individual to criminal prosecution.
- (5) **Department Head** refers to an individual in charge of a specific section within an institution.
- (6) **Inspectors**, where used herein, refers to Correctional Officer Inspectors, Law Enforcement Inspectors, Correctional Officer Senior Inspectors, and Law Enforcement Senior Inspectors.
- (7) **Inspector General**, where used herein, refers to the Inspector General, Florida Department of Corrections, to whom responsibility for all duties as established in Section 944.31, F.S., including supervising and coordinating the work of inspectors throughout the state, is assigned.
- (8) **Management Information Notification System (MINS)** refers to an automated system for the prompt and efficient transmission of information concerning Departmental incidents, events, and complaints to designated Department staff.
- (9) **MINS User Manual** refers to a technical manual which is developed by Information Technology staff and provides step-by-step instructions for entering messages into the MINS. This manual can be downloaded as NII-026 from the "Official Forms" web site on the Intranet.
- (10) **Inspector Supervisor**, where used herein, refers to the supervisor of all Inspectors within a specific geographical area.
- (11) **Protected Health Information (PHI)**, where used herein, refers to inmate or offender information that is created or received by the Department of Corrections, whether oral,

recorded, transmitted, or maintained in any form or medium, that relates to the past, present, or future physical or mental health or condition of an inmate or offender, the provision of health care to an inmate or offender, or the past, present, or future payment for the provision of health care to an inmate or offender and identifies an inmate or offender or there is a reasonable basis to believe the information can be used to identify an inmate or offender. Protected health information is health information which contains some or all of the following elements: name, address information, including the name of an inmate's institution and dorm, social security number, DC number, facial photograph, etc.

- (12) **Reportable Incident**, where used herein, refers to any serious incident involving Department of Corrections' facilities, staff, offenders, volunteers, or visitors that disrupts or has the potential to disrupt the normal operations or that may bring public attention to the Department. A complete list of reportable incidents can be found in "Emergency Action Center;" Procedure 602.012; Sections (2) and (3).
- (13) **Reviewer**, where used herein, refers to individuals designated to review and edit the MINS messages prior to them being entered into the system. At institutions, the reviewer should be a Shift Supervisor or above.

SPECIFIC PROCEDURES:

- (1) The Office of the Inspector General will be responsible for insuring the development and implementation of the Management Information Notification System (MINS).
- (2) The MINS is designed to automatically route the MINS messages to designated Departmental management staff, depending on classification of the complaint.

(3) **DESIGNATION AND RESPONSIBILITIES:**

- (a) The Assistant Secretaries, Chief of Staff, Directors, Regional Directors, Wardens, Circuit Administrators and Program Managers will be responsible for designating employees in their respective offices/institutions to serve as creators.
1. The aforementioned staff will utilize the electronic "User Security Request" in accordance with the "User Security for Information Systems," Procedure 206.007, forward the request to the security coordinator in the Office of the Inspector General, and advise her/him of the designation.
 2. The aforementioned staff will electronically advise the Inspector General when a previously-approved employee is removed from creator status.
- (b) Staff needing additional instruction or assistance will contact the Inspector General's field office within their respective regions.
- (c) Under no circumstances will an unauthorized person be allowed to access the automated system.

(4) **REPORTING INCIDENTS, EVENTS, OR COMPLAINTS:**

- (a) Whenever any reportable incident occurs, the Emergency Action Center will be notified in accordance with "Emergency Action Center," Procedure 602.012. **During normal business hours, high profile incidents will be reported without unnecessary delay, but not greater than thirty (30) minutes to the Inspector General, Deputy Inspector General, Chief Inspector, Lead Inspector Supervisor, or Inspector Supervisor for the region involved. After hours, notifications will be made through the Emergency Action Center to the on-call or on-duty Inspector Supervisor, who will make any other notifications through the chain of command.**
- (b) **Reportable Incidents:**
 - 1. Following notification to the Emergency Action Center by telephone, all reportable incidents will be submitted as soon as possible, using the MINS.
 - 2. The incident will be identified using a "Classification of Complaints/Incidents," NI1-014.
- (c) All other incidents, events, or complaints that are not defined as reportable in this procedure, but have been defined as reportable by other offices or authority will be reported as soon as practical, but no later than the next business day, using the MINS. The incident will be identified using the appropriate codes listed on the NI1-014.
- (d) The creator of the MINS message will be responsible for entering the message in accordance with the guidelines set forth in the MINS User Manual.
- (e) Reported PHI should only be the minimum information necessary to report the incident.
- (f) Whenever possible, the next higher authority will review the MINS message prior to the message being entered into the system.
 - 1. The reviewer will review and edit the message for completeness and accuracy.
 - 2. If a reportable incident occurs after normal business hours for the reviewer, the reviewing authority will review the message the next business day and clarify any discrepancies or errors in the message with the Inspector Supervisor within the respective region. The Inspector Supervisor will correct the MINS data as needed.
 - 3. Any MINS message that contains PHI is considered confidential. PHI must be redacted before duplicating said MINS message if it is to be used as a public document.
- (g) The Office of the Inspector General will ensure that all MINS messages are routed to appropriate staff on a need-to-know basis based on the incident, event, or complaint.
 - 1. Access profiles for each functional area will be developed based on individual management needs.
 - 2. Assistant Secretaries, Directors, and the Chief of Staff will submit profiles or changes to existing profiles to the Inspector General via e-mail or memorandum.

- (5) Any incidents that occur in or involve employees of the Department that may result in an administrative or criminal investigation will be reported to the Office of the Inspector General as listed below.
- (a) An Assistant Secretary, Director, the General Counsel, or the Chief of Staff will report incidents that occur in or involve employees assigned to her/his division within the central office to the appropriate Inspector Supervisor.
 - (b) A Regional Director will report incidents that occur in or involve employees under her/his respective lines of authority in the regional offices and/or community corrections field offices to the Inspector Supervisor for the geographical area in which s/he is located.
 - (c) Wardens of facilities in which inmates of the state are housed will report incidents to the Inspector assigned to the affected facility.
 - (d) Wardens of facilities where an Inspector is not assigned or is not available will report such incidents to the appropriate Inspector General field office.
- (6) The incidents listed below **will be reported without unnecessary delay, but not greater than thirty (30) minutes** by means of telephone, followed by a MINS message. The individuals listed in section (3)(a) of this procedure will be responsible for insuring incidents are reported. Telephonic notification to the Emergency Action Center made between 5:00 p.m. (EST/EDT) and 8:00 a.m. (EST/EDT) and on weekends and holidays pursuant to "Emergency Action Center," Procedure 602.012, will be sufficient for this purpose. To the extent possible, the MINS message will be completed in its entirety, using full names (avoiding initials) and including a concise summary of the incident.
- (a) **Major Disturbance:** Any disturbance involving three (3) or more inmates that results in the compound being locked down, severe damage to the physical structure and/or any serious injuries to inmates or staff. Severe damage is defined as damage that will render a building or a considerable portion of the building unusable. Serious injury is defined as life threatening as determined by medical personnel.
 - (b) **Hostage Situation:** Any time a person is held by force against her/his will to enforce the demands of the hostage taker.
 - (c) **Natural or Environmental Disaster:** Any time a Department of Corrections' facility is exposed to adverse elements of nature (i.e., to include high winds, lightening, flooding, earthquake, etc.) or an environmental threat (such as contaminated drinking water or toxic spills) that cause severe damage to the physical structure or serious injury to inmates or staff. Severe damage is defined as damage that will render a building or a considerable portion of the building unusable. Serious injury is defined as life threatening as determined by medical personnel.
 - (d) **Escapes:** Any escape or attempted escape from a secure perimeter, or from any work squads that came from a secure perimeter. Notification of the Florida Department of Law

Enforcement (FDLE) will be in accordance with the Memorandum of Understanding between the Department and the FDLE.

- (e) **Any Escape** involving an escapee who was serving a sentence for one (1) or more of the following crimes:
 - 1. murder,
 - 2. robbery,
 - 3. kidnapping,
 - 4. sexual battery, or
 - 5. a violent escapee who has a record of a conviction for an offense listed in sections (6)(e)1 through 4, or is otherwise perceived as posing a substantial threat to public safety.
- (f) **Death of Employee or Inmate:** Any inmate death. Any employee death that occurs on Department property or while the employee is on duty.
- (g) **Total Lockdown of Institution:** Any total lockdown of an institution except for lockdowns due to fog and/or other inclement weather.
- (h) **Serious Accident:** Any accident that causes severe damage to a physical structure or serious injury to inmates or staff. Severe damage is defined as damage that would render a building or a considerable portion of the building unusable. Serious injury is defined as an injury that is life threatening as determined by medical personnel.
- (i) **Fire:** Any fire, including arson, that causes severe damage to a physical structure or that causes serious injury to inmates or staff. Severe damage is defined as damage that would render a building or a considerable portion of the building unusable. Serious injury is defined as an injury that is life threatening as determined by medical personnel.
- (j) **Inmate/Employee Work Stoppage:** Any incident during which three (3) or more inmates or any number of employees stop work in an effort to force a response to a demand.
- (k) **Serious Battery:** Any battery that causes serious injury to inmates, visitors or staff. Serious injury is defined as an injury that is life threatening as determined by medical personnel.
- (l) **Serious Incidents:** Any serious incident that may be subject to public interest; i.e., homicides by probationers, etc.
- (m) **Sexual Battery/Inmate on Inmate:** Any alleged sexual battery or attempted sexual battery of an inmate by an inmate that is alleged to have occurred within the prior forty-eight (48) hours or if the alleged battery is to have occurred greater than forty-eight (48) hours ago, where there is obvious injury or physical evidence to support the allegation.
- (n) **Sexual Battery Involving a Staff Member:** Any alleged sexual battery or attempted sexual battery of a staff member or other person by an inmate or any sexual conduct, contact, or relations involving a staff member or other person and an inmate.

- (o) **Use or Discovery of a Firearm:** Any weapon that falls into the class of firearms, including homemade guns that are used or recovered during institutional searches, etc.
 - (p) **Use or Discovery of an Explosive:** Any explosive device, including homemade explosives or any ammunition that is used or recovered during institutional searches, etc..
 - (q) **Felony Activity/Incidents Involving Inmates Housed at Work Release Centers:** Incidents involving felonious acts (e.g., law enforcement investigations, arrests, etc.) or escapes involving felony acts or high profile inmates housed at work release centers.
 - (r) **Computer Security Incident:** Any incident that could possibly breach Department security and cause a loss of service or of computer technology, including, but not limited to computer viruses, denial of service attacks, fraud, unlawful use of computer hardware and software, and misuse of security passwords.
 - (s) **Emergency Evacuation of a Center:** Any emergency evacuation regardless of the cause.
 - (t) **Plans, Requests, or Efforts:** Any plan, request, or effort by another law enforcement agency to intercept any wire, oral, or electronic communication excluding the monitoring and recording of inmate telephone calls.
 - (u) **High Profile Incidents:**
 - 1. arrest of staff for felony crimes or acts of violence, or allegations that a staff member committed a felony or violent crime still under investigation by outside law enforcement;
 - 2. any other arrest of staff that receives significant media attention or that could bring negative attention to the Department;
 - 3. arrest of inmates or offenders for additional criminal activity occurring while in the custody of, or under the supervision of the Department, where employee misconduct or a failure of policy is suspected;
 - 4. an escape from a secure facility, or any escape resulting from possible staff misconduct;
 - 5. employee misconduct, on or off duty, that results in serious injury or death to a citizen or person under the supervision of the Department, or which receives significant media attention;
 - 6. any incident where the effectiveness of supervision, of an inmate or offender, is brought into question and significant media attention is present;
 - 7. the suspicious death of any inmate under the control of the Department; or
 - 8. any other incident, as identified by the Secretary or Inspector General.
- (7) The incidents listed below **will be reported by the next duty day**. Notification will be by means of a MINS message. To the extent possible, the MINS message will be completed in its entirety, using full names (avoiding initials) and including a concise summary of the incident:
- (a) suicide attempts by inmates;
 - (b) any battery or assault directed toward any employee;

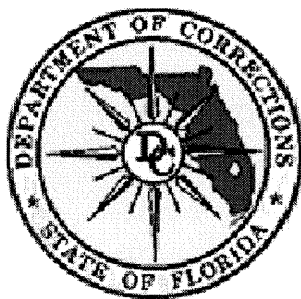
Procedure 108.007

- (c) any incident involving possession, recovery, or discovery of a manufactured or homemade weapon excluding firearms or explosives as described in sections (6)(o) and (6)(p) of this procedure, ammunition materials, commercial or homemade alcohol, illicit drugs, drug paraphernalia, escape paraphernalia, or unauthorized cash; (Whenever possible, such reports will include date, time, location and quantity of contraband discovered.)
- (d) possession, consumption, or manufacture of alcohol by an employee or visitor while on the Department's property, or by an employee outside the Department's property if such possession, consumption, or manufacture occurs while the employee is in uniform;
- (e) arrest of an employee, regardless of whether the arrest occurred on or off the Department's property, and if not considered a high profile incident as defined in section (6)(u) of this procedure;
- (f) altercation between inmates or offenders that does not involve injuries that requires attention outside a Department institution, facility, or office;
- (g) circumstances not listed in the above that, if proven, would constitute a violation of federal or state laws, rules, or regulations;
- (h) an action by an employee that results in the employee being placed on administrative leave or reassignment pending disciplinary action;
- (i) an action by an employee that, if proven, would result in a disciplinary action appealable to the Public Employee's Relations Commission (PERC) unless concerning a matter specifically addressed in section (6), in which case the requirements of that section will be followed;
- (j) physical abuse of an inmate involving minor or no injuries;
- (k) theft by an employee;
- (l) conspiracy to escape;
- (m) employee's knowledge of any plan or scheme that, if committed, would cause the introduction of contraband into the institution;
- (n) a relationship between an employee and any inmate or offender that is not related to the employee's official duties;
- (o) an injury to an inmate or employee that requires emergency medical attention outside a Department institution, facility, or office;
- (p) battery on an employee or visitor with no serious injury reported;
- (q) arson (minor damage);

- (r) discharge of a firearm;
 - (s) loss of a firearm;
 - (t) loss of a uniform and/or badge;
 - (u) use of force (absent reason to suspect that abuse has taken place);
 - (v) receipt of a signed written statement from an inmate, submitted in accordance with Rule 33-602.220(3)(d), F.A.C., alleging the inmate is in fear of staff;
 - (w) sexual harassment of inmate or offender by staff as defined in "Prison Rape: Prevention Elimination and Investigation," Procedure 108.010;
 - (x) any incident where an inmate receives a disciplinary report for 1-6 lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member, or visitor;
 - (y) any activation of an institutional canine team to assist local law enforcement in the apprehension of a suspect or recovery of a missing person;
 - (z) any incident where an offender under supervision, while on electronic monitoring, removes or destroys her/his electronic monitoring equipment for the purpose of absconding or avoiding monitoring of her/his whereabouts (this includes, but is not limited to, cutting the strap, intentionally tampering with, or maliciously damaging the tracking equipment); or
 - (aa) possession of tobacco products.
- (8) The following incidents **need not** be reported:
- (a) inmate requests for protective management;
 - (b) an action by an inmate that does not involve drugs, alcohol, or contraband and, if proven, will result in a disciplinary report only;
 - (c) informal grievances in which physical abuse by staff is not alleged;
 - (d) formal grievances in which physical abuse by staff is not alleged;
 - (e) alleged verbal abuse by employees or inmates; or
 - (f) the results of random, for cause, or program related inmate drug and alcohol tests.
- (9) The following incidents **will be reported by the next duty day** by means of a MINS message, which will be marked "Refer to Management": An action by an employee that, if proven, will

result in no more than a written reprimand or referral to an Employee Assistance Program (EAP) unless such action involved drugs, alcohol, or other contraband, or circumstances as delineated in sections (6) and (7) of this procedure exist.

_____/S/_____
Secretary



MICHAEL D. CREWS
SECRETARY

PROCEDURE NUMBER: 602.053

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

RESPONSIBLE AUTHORITY: OFFICE OF INSTITUTIONS

EFFECTIVE DATE: SEPTEMBER 12, 2013

INITIAL ISSUE DATE: JUNE 7, 2005

SUPERSEDES: PROCEDURE 108.006

RELEVANT DC FORMS: DC1-801, DC4-529, DC4-683M, DC6-210, DC6-236, DC6-2076, NI1-062, NI1-063, NI1-064, NI1-065, AND NI1-120

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

ACA/CAC STANDARDS: 3-3053, 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, 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, reduction and punishment of sexual abuse, sexual battery, 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, 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 applicable procedure.

DEFINITIONS:

- (1) **Abuser**, where used herein, refers to a staff member, volunteer, contractor, or inmate committing forcible sexual contact against another staff member, volunteer, contractor, or 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 of PREA standards.
- (3) **Compliance Manager**, where used herein, refers to an employee designated to coordinate the institution's effort to comply with PREA standards.
- (4) **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 within the state.
- (5) **Data**, where used herein, refers to the information collected from the appropriate office/department and processed by the Bureau of Research and Data Analysis 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.
- (6) **Department of Corrections Accreditation Management System (DCAMS)** refers to the database utilized by the Accreditation Manager and her/his designees to prepare and maintain records of accreditation activities including compliance checklists, reports, standard lists, labels, self-evaluations, etc.

- (7) **Employee/Staff**, where used herein, refers to individuals who work for the Department on a full-time or part-time basis.
- (8) **Gender Nonconforming**, where used herein, refers to a person whose appearance or manner does not conform to traditional societal gender expectation.
- (9) **Inspector**, where used herein, refers to the Inspector or Senior Inspector assigned by the Office of the Inspector General to investigate the allegations of sexual battery, sexual abuse, staff sexual misconduct, and staff sexual harassment.
- (10) **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 disorders of sex development.
- (11) **LGBTI**, where used herein, refers to Lesbian, Gay, Bisexual, Transgender, and Intersex.
- (12) **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." The Act 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.
- (13) **PREA Coordinators**, where used herein, refers to the staff members in the Office of Institutions assigned to develop, implement, and oversee the Department's effort to comply with the PREA standards.
- (14) **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.
- (15) **Sexual Abuse Investigation Review Committee (SAIRC)**, where used herein, refers to the committee that is responsible for reviewing sexual abuse incidents at each institution.
- (16) **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 assault incidents in all regions where the Department has a contract, by conducting a forensic sexual assault examination at the reporting facility.
- (17) **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 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.
- (18) **Sexual Harassment**, where used herein, includes “repeated” verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, agency representative, 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.
- (19) **Staff Sexual Misconduct**, where used herein, refers to the “consensual” oral, anal, or vaginal penetration by, or union with, the sexual organ of an inmate or offender and 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.

- (20) **Transgender**, where used herein, refers to a person whose gender identity is different from the person's assigned sex at birth.
 - (21) **Victim Advocate**, where used herein, refers to a qualified individual trained in rape crisis counseling.
 - (22) **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.
 - (23) **Voyeurism**, where used herein, refers to the invasion of an inmate's privacy by staff for reasons unrelated to official duties, or by another inmate 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:

- (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, in order to maintain security and safety within the prison;
 - (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 in order to maintain security and safety within the prison, provided that the search is conducted in a manner consistent with constitutional requirements.

(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. Health services staff will screen inmates upon arrival at an institution 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 (LGBTI) and whether the inmate has a mental, physical, or developmental disability.
 - 3. Classification will screen inmates within seventy-two (72) hours of intake. The inmate's age, criminal record, 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 assigned in accordance with established protocols based on known information.

4. 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.
5. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status.
6. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.
7. Inmates identified as transgender and intersex by medical staff, will be given housing and program assignments on a case-by-case basis, and consistent with custody level, medical status, and safety concerns. These inmates will be referred by medical staff to classification for a review of their assignments and any threats to safety at least twice per year.

(b) **Staff:**

1. Institutions will develop a staffing plan that provides adequate staffing levels, and where applicable, video monitoring, to protect inmates against sexual abuse or sexual battery. This plan shall be used at least once per year to assess, determine, and document whether adjustments are necessary.
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.
3. 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 or medical staff.
4. 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, and process it in accordance with section (3)(a) through (b) of this procedure, inclusive of issuance of a PREA number.
5. 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.
6. The Chief of Security shall ensure that unannounced supervisory rounds are conducted in accordance with Post Orders.
7. 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 pursuant to the PREA standards shall be developed by the Bureau of Staff Development and Training. All staff assigned shall be thoroughly trained and informed regarding the agency's zero-tolerance policy on sexual abuse or sexual battery, inclusive of staff sexual misconduct and sexual harassment at least every

two (2) years. In addition to the general training, investigators, medical health care practitioners, and mental health care practitioners who work regularly with inmates shall be offered specialized training. Staff shall be taught:

1. the Department's zero-tolerance for sexual abuse and sexual harassment;
2. how to fulfill their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. the inmate's rights to be free from sexual abuse or sexual battery and sexual harassment;
4. that the rights of staff and inmates are to be free from retaliation for reporting sexual abuse, sexual battery, and sexual harassment;
5. the dynamics of sexual abuse or sexual battery and sexual harassment in confinement;
6. the common reactions of sexual abuse or sexual battery and sexual harassment in confinement;
7. how to detect and respond to signs of threatened and actual sexual abuse or sexual battery;
8. how to avoid inappropriate relationships with inmates; and
9. how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates (searches will be performed in accordance with "Searches of Inmates-Security Operations," Rule 33-602.204, F.A.C.).

(d) **Contractors and Volunteers:** The institution shall ensure that all contractors and volunteers who have contact with inmates are trained on their responsibilities under the Department's sexual abuse, sexual battery, and sexual harassment policy in accordance with this procedure.

(e) **Inmates:**

1. Each Warden will ensure that the inmate orientation process (at both the reception center and the primary institution) will encourage inmates to immediately report any concern or fear of possible sexual abuse, sexual battery or sexual harassment to correctional staff. This orientation will be conducted in accordance with "Inmate Orientation," Procedure 601.210.
2. Inmates with disabilities and limited English proficiency shall be given the opportunity to benefit from PREA's zero tolerance policy in accordance with the "Americans with Disabilities Act Provisions for Inmates," Procedure 604.101. Inmates shall not be used as interpreters or readers (except in exigent circumstances).
3. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
4. Each Warden will ensure that the sexual abuse brochure ("Sexual Abuse Awareness," NI1-120) is distributed to inmates, and that the following posters are clearly displayed, in both English and Spanish, in an area 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(ies) that clearly precludes sexual abuse, sexual battery, and sexual harassment. This includes, but may not be limited to:

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1. taking all reports concerning sexual abuse or sexual battery seriously;
 2. initiating immediate reporting of alleged sexual abuse or 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, inclusive of evidence protection;
 4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused/battered or of an inmate who may have reported the sexual abuse or sexual battery of another; and
 5. promptly report any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, and 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; “Reporting Incidents to the Inspector General and Management Information Notification System,” Procedure 108.007; and “Emergency Action Center,” Procedure 602.012.
- (a) Any employee, volunteer, or contractor who observes the commission of the crime of sexual battery shall make a report promptly to the Shift Supervisor, Chief of Security, Warden, or the Office of the Inspector General.
 - (b) In all institutional instances of incidents involving sexual abuse, sexual battery, staff sexual misconduct, or staff sexual harassment, the Shift Supervisor will ensure that a DC6-210, and a Management Information Notification System (MINS) report are processed and submitted.
 - (c) The inmate(s) suspected of committing sexual abuse or sexual battery will be managed in accordance with “Administrative Confinement,” Rule 33-602.220, F.A.C., pending a complete and thorough investigation and disciplinary process, inclusive of external charges, if applicable. 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.
 - (d) Although inmates will be encouraged to report any allegation or incident of sexual misconduct, sexual abuse, sexual battery, and sexual harassment, in person or through submission of an “Inmate Request,” DC6-236, the DC6-236 will be immediately referred to the Inspector’s office for immediate review/action.
 - (e) No time limit shall be imposed for sexual abuse, sexual battery, or sexual harassment grievances.

(4) **RESPONSE:**

- (a) **Institution:** Any employee who has knowledge of or receives information, written or verbal (via 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 or the Chief of Security, 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.
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 or sexual battery will be subject to the appropriate level of discipline. This discipline will possibly include termination of employment, as outlined in chapter 33-208, F.A.C.
 2. Inmates who have been sexually abused or sexually battered, or are aware of sexual abuse, sexual battery, sexual harassment, or sexual misconduct will immediately notify the nearest correctional staff member and report the incident. All reasonable measures to secure the safety of the inmate(s) will be implemented by the Shift Supervisor, the Chief of Security or the Warden.
 3. Inmates who are victims of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will immediately notify the nearest correctional staff member and report the incident. Any inmate, staff member, volunteer, or contractor who knows or should have known any person has committed sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment of an inmate shall notify the Shift Supervisor, Chief of Security, Warden, or the Office of Inspector General without delay. Upon notice, the Shift Supervisor, Chief of Security or Warden shall take all reasonable measures to secure the safety of the inmate(s). The Office of the Inspector General or a law enforcement agency shall conduct a criminal investigation of any reported staff sexual misconduct or sexual battery to an inmate.
 4. Upon learning of an allegation that an inmate was sexually abused or sexually battered, 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 crime scene until appropriate steps can be taken to collect any evidence;
 - c. if the 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, as appropriate, washing, 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. Corrections staff shall inform victims of a sexual abuse or sexual battery to preserve as much physical evidence as possible. Victims shall be instructed to refrain from showering, washing, etc., of the body and/or clothing or bed linen.
 6. Any inmate who alleges sexual battery shall be given a copy of the NII-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 to. This offer will be documented in an incident report.

7. If a Warden receives information that a sexual abuse or sexual battery occurred at another institution, the receiving institution shall notify the sending institution within seventy-two (72) hours of receiving the allegation. The notification shall be documented and an investigation shall follow.
 - (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, or sexual harassment to any employee, the staff member receiving the allegation will notify the Circuit Administrator, who in turn, will notify the Office of the Inspector General. In addition, the staff member will also notify local law enforcement and the Program Manager, who will notify their supervisor and the 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 or sexual battery to her/his Correctional Probation Officer or any other community corrections employee, whereas the incident occurred outside the Department's control (within the community) the following will occur:
 - a. these reports/allegations will be referred to local law enforcement authorities; and
 - b. in this instance, this procedure is not applicable and PREA numbers, etc., are not necessary.
 2. If an offender (probationer/parolee) makes a report of sexual abuse or sexual battery to her/his Correctional Probation Officer, or any other community corrections employee, wherein the incident occurred while the offender was incarcerated within a state facility, under control of the Department, prior to the offender's release to probationary status, these reports/allegations will be referred to the Office of the Inspector General. In this instance, community corrections staff will ensure that the PREA report process as described throughout this procedure is adhered to.
- (5) **POST SEXUAL BATTERY GUIDELINES:** The Office of the Inspector General shall conduct all investigations of sexual battery 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) When any inmate alleges sexual battery, the Officer in Charge will ensure the inmate was given a copy of the NI1-120 and was 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 they choose to. The Officer in Charge will verify this offer is documented in an incident report.
 - (b) If the alleged sexual battery occurred less than forty-eight (48) hours prior to the reporting of the incident, post-sexual battery guidelines should be implemented immediately in an effort to preserve and collect evidence and the Office of the Inspector General will be notified.
 - (c) If the alleged sexual battery occurred more than forty-eight (48) hours prior to the reporting of the incident, the Office of the Inspector General will be notified to determine if physical evidence exists for examination and can be collected before sending the inmate out for a sexual assault kit or activating SART.

- (d) In Region I, staff from the Office of the Inspector General will collect evidence as appropriate; and the Panhandle SART will collect the clothing the inmate was wearing at the time of the sexual battery if the inmate is still wearing them.
- (e) In other regions, the clothing the inmate was wearing at the time of the alleged sexual battery will be secured in the following manner:
 - 1. If the inmate has removed the clothing s/he was wearing at the time of the alleged battery, the staff member that receives or retrieves any clothing or evidence from any sexual abuse or sexual battery victim shall ensure a "Chain of Custody," DC1-801, is documented from the time of receipt until turned over to an Inspector.
 - 2. If the inmate goes to the medical department wearing the same clothing as during the alleged sexual battery, health care staff will:
 - a. initiate an "Alleged Sexual Battery Protocol," DC4-683M, at the facility;
 - b. place two (2) clean sheets on the floor, one on top of the other;
 - c. have the inmate remove her/his shoes and stand in the center of the sheet;
 - d. have the inmate remove each article of clothing and hand it to health care staff;
 - e. without shaking the clothing, place each item of clothing in a separate **paper** bag;
 - f. ensure the clothing of multiple victims or suspects are not mixed or placed in the same storage bag to prevent contamination;
 - g. label each bag with the inmate's name, DC number and the word "Clothing";
 - h. place underwear in a separate bag labeled "Underwear";
 - i. fold the top sheet inward and place it in a bag marked "Foreign Material";
 - j. fold the tops of all bags over and tape them securely closed, marking each bag with a biohazard label;
 - k. secure clothing removed for medically necessary treatment in the same manner;
 - l. initiate a DC1-801 and give the clothing to security staff who will turn it over to the Office of the Inspector General; and
 - m. ensure a complete change of clothing is obtained for the inmate to wear for transport to the hospital.
- (f) **The inmate will not be allowed to shower or wash in any manner, until s/he is authorized to do so by the investigating Inspector.**
- (g) In accordance with the Office of Health Services' "Post-rape 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.
- (h) In Region I, and if injuries do not necessitate immediate outside medical attention, staff from the Office of the Inspector General will determine if the SART should be activated. In other regions:
 - 1. Orders (if required) will be secured from the on-call Physician to transport the inmate to the emergency room as soon as possible.
 - 2. Staff accompanying the inmate to the emergency room will ensure a standard medical "sexual assault kit" is requested, that the nurse collecting the evidence seals and initials the kit, that a DC1-801 is initiated, and the kit is returned to the institution with the inmate. The completed sexual assault kit will be turned over to an Inspector. If the

completed rape kit is not turned over to an Inspector immediately or transported to a lab, the rape kit should be refrigerated and the DC1-801 attached with notations that the seals were intact.

3. When the inmate returns to the institution, medical staff will make a mental health referral for evaluation and counseling for the next working day.
 - (i) Medical staff will ensure the DC4-683M documents the above actions completely and accurately as they have occurred and will maintain it in the medical record.
 - (j) Reporting and tracking of each inmate assessed by the medical department for those sexual batteries reported will be an integral part of post-sexual battery treatment and referral.
 - (k) Upon the inmate's return to the institution, it must be ascertained what tests the victim received at the emergency room. Copies of those results will be obtained either from the SART Team (Region I only) or the facility the inmate was treated at and placed in the medical record. The medical records of the victim and suspected perpetrator (only if identified by the Office of the Inspector General as a suspect) will be reviewed and appropriate testing identified, in accordance with Health Services Bulletin 15.03.36.
 - (l) Regardless of the results of the tests, education, including symptoms and transmission, will be provided to the victim and alleged perpetrator and treatment will also be offered.
- (6) **MEDICAL AND MENTAL HEALTH CARE:** If results of an initial screening 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) Any information relating to sexual victimization or abusiveness 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) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of eighteen (18).
 - (c) Inmate victims of sexual abuse 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 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 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.
- (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. Medical and mental health evaluation and, as appropriate, treatment shall be offered to all inmates who have been victimized by sexual abuse in any prison, jail, lock up, or juvenile 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 their transfer to, or placement in, other facilities, or their release from custody.
 - 2. Inmate victims of sexually abusive vaginal penetration while incarcerated 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 all inmate-on-inmate abusers within sixty (60) days of learning of such abuse history and offered treatment when deemed appropriate.
 - 4. Additionally, in conjunction with mental health evaluation and counseling, the victim may be offered victim support services by means of mailing address and/or telephone numbers to a local or community support group organization.
- (7) **BUREAU OF RESEARCH AND DATA ANALYSIS:** The Bureau of Research and Data Analysis will be responsible for the compilation and reporting of data in regards to sexual incidents as defined within this procedure. The data will be utilized within the facility to improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training including: identifying problem areas, taking ongoing corrective action, and preparing an annual report that includes a comparison of the current year's data and corrective actions with those from prior year. Along with the Office of Information Technology, the Bureau of Research and Data Analysis will devise, implement, and maintain an electronic reporting system to capture information from the field. This information will include data as required by the PREA survey administered by the Federal Bureau of Justice Statistics using a "Survey on Sexual Violence, – State Prison Systems Summary Forms," SSV-1A and SSV-2.
- (8) **BUREAU OF PERSONNEL:** The Bureau of Personnel will ensure that the case number is recorded on all documents related to employee disciplinary action, inclusive of the "Employee Disciplinary Action" screen, PR20, resulting from actions taken relative to this procedure.
- (9) **INVESTIGATIVE FINDINGS – REPORT:** 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 (unless the allegation is unfounded) whenever the staff member is no longer:
 - (a) posted within the inmate's unit; or
 - (b) employed at the facility.

- (10) **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 the incarceration period of the victim or employment of the suspect or subject, plus five (5) years.
- (11) **CONFIDENTIALITY OF RECORDS**: No employee, volunteer, or contractor may knowingly disclose any information pursuant a sexual abuse or sexual battery to any person other except as permitted by law. The release of any information identifying any sexual abuse or sexual battery 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 law.
- (12) **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 team shall consist of the Assistant Warden, Chief of Security, Classification Supervisor, and a member of medical and mental health staff. They shall review all allegations. The only allegations that will not be reviewed by this SAIRC team, will be allegations that are unsubstantiated/unfounded. The team shall meet to:
- (a) assess the adequacy of staffing levels in that area during different shifts;
 - (b) consider whether the incident/allegation was motivated by race, ethnicity, LGBTI identification, gang affiliation, or other group dynamics at the facility;
 - (c) examine the area that the incident allegedly occurred to assess whether physical barriers in the area may enable 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.
- (13) **PREA COORDINATOR AND PREA COMPLIANCE MANAGERS**: The Office of Institutions, specifically through the PREA Coordinator and PREA 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 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. assessment to 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 USDOJ;
6. coordinating with other appropriate functional areas of the Department to ensure adherence to the compliance standards, including the central office review;
7. maintaining records of all compliance activities, including, but not limited to:
 - a. compliance contract;
 - b. documentation of all audits, audit reports, plans of action, waivers, appeals, standards revisions, and compliance hearings;
 - c. Department correspondence with 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 field 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; and
14. assisting in the revision of the Department's policies and procedures to ensure compliance with PREA standards.

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

1. coordinate the compliance program at the facility under the advice of the central office Compliance Coordinator;
2. ensure that the facilities are prepared for the audits, including that they have the necessary documentation to demonstrate compliance with the standards and that all files are completed a minimum of three (3) weeks prior to their scheduled audit date;
3. along with the Warden, designate the compliance teams that will be responsible for evaluating their operation against the assigned standards, determining compliance with both the standard and appropriate Department policy, compiling documentation, preparing plans of action, and developing policies and procedures;
4. submit security requests 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, with only two [2] of these individuals having data input authority);
5. prepare and maintain records of all compliance activities within the facilities including folders, standards compliance checklists, supporting documentation, self-evaluation

