

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



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|--|---|--|--------------------------------|
| Name of facility: Gadsden Correctional Facility | | | |
| Physical address: 6044 Greensboro Highway, Quincy, Florida 32351 | | | |
| Date report submitted: July 3, 2014 | | | |
| Auditor Information Hubert L. "Buddy" Kent | | | |
| Address: P. O. Box 515 | | | |
| Email: auditorbuddykent@yahoo.com | | | |
| Telephone number: 850-509-1662 | | | |
| Date of facility visit: June 10-12, 2014 | | | |
| Facility Information | | | |
| Facility mailing address: <i>(if different from</i> | | | |
| Telephone number: 850-875-9701 | | | |
| The facility is: | Military | County | Federal |
| | <input checked="" type="checkbox"/> X Private for | <input type="checkbox"/> Municipal | <input type="checkbox"/> State |
| | <input type="checkbox"/> Private not for profit | <input type="checkbox"/> | <input type="checkbox"/> |
| Facility Type: | <input type="checkbox"/> Jail | <input checked="" type="checkbox"/> X Prison | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| Name of PREA Compliance Manager: Tracy Norris | | Title: Compliance Manger | |
| Email address: traci.norris@mtctrains.com | | Telephone number: | |
| Agency Information | | | |
| Name of agency: | | | |
| Governing authority or parent agency: <i>(if applicable)</i> MTC/Management and Training Corporation | | | |
| Physical address: 500 North Marketplace Drive, Centerville, Utah 84014 | | | |
| Mailing address: <i>(if</i> | | | |
| Telephone number: 801-693-2600 or 800-547-4682 | | | |
| Agency Chief Executive Officer | | | |
| Name: Scott Marquardt | | Title: President | |
| Email address: scottmarquardt@mtctrains.com | | Telephone Number 801-693-2600 | |
| Agency wide PREA Coordinator | | | |
| Name: Mark Lee | | Title: Senior Director Corrections | |
| Email address: marklee@mtctrains.com | | Telephone Number 801-693-2600 | |

AUDIT FINDINGS

NARRATIVE:

The audit team proceeded to the office of Shelly Sonberg, Warden. The team expressed the appreciation for the opportunity to be involved with MTC/Gadsden in the PREA process.

Traci Norris, Compliance Manager, escorted the team to the Warden's conference room where the formal entry meeting was held.

The following persons were in attendance:

Shelly Sonberg, Warden

Thomas Hester, Deputy Warden of Operations

Patty Barnhart, Deputy Warden of Programs

Gerald McSwain, Chief of Security

Traci Norris, Compliance Manager

Leia White, Human Resources Manager

Paul Temples, Finance Manager

Shannon McSwain, Acting Investigator

Jada Williams, Programs Specialist

Nadege Toussaint-Daniel, HSA

Mark Lee, PREA Coordinator, MTC Corporate in Utah

After a brief discussion about the audit, the team proceeded to the compound for a facility tour. Upon arrival for the audit, a listing of all inmates by housing assignment and a staff listing by shift assignments of staff currently working with inmates was requested. From these listings, I randomly selected one (1) inmate from each housing unit. At this time, there is no limited English speaking or hearing/sight impaired inmates assigned to Gadsden C.F. Also, there are no transgender or intersex inmates assigned. There are 277 inmates assigned that listed their sexual preference as lesbian, bisexual or refuse to designate their preference. A total of nineteen (19) random inmate interviews were conducted.

Eighteen (18) random staff interviews were conducted and included staff from all work shifts and all areas of the facility. The Specialized Staff Interviews included fourteen (14) interviews for staff designated as: Intermediate/higher-level, Medical, Mental-Health, Volunteer, Contractor, Investigative, Screening for Risk of Victimization and Abusiveness, Supervisors in Segregation, Incident Review Team, Monitors Retaliation, First Responder Security, First Responder Non-Security and Intake Staff. PREA Compliance Coordinator and SART Nurse were formally interviewed at the Department's Central Office. In addition, to the randomly selected inmates/staff interviews approximately 25 inmates and 20 staff were informally interviewed during the tour and the 2 days of the audit.

The tour of the facility was conducted from 8:45am to 12:00pm.

The areas toured were a total of five (5) housing units, and various departments within the secured perimeter. There are four (4), four-quad housing units (A through D dorms), and one (1), six-quad housing unit (F dorm). All dormitories are

open bay housing. A dorm is food service and transition; B dorm is Orientation; C dorm is canine; D is faith based and scholar; F is Residential Treatment Unit and outside gate workers.

Segregation/Confinement unit is a (46) bed, single bunk unit. There are 22 beds for Administrative Segregation and 24 beds utilized for Disciplinary Segregation. Inmates are placed into Administrative Confinement pending disciplinary charges, pending protection needs (short term, no long term at this facility) and pending transfer.

The various departments toured were Recreation, Chapel, Food Service, Medical, Classification, Education and Property/Intake area.

The design capacity is 1550. The population on the day of the audit was 1536. During the previous twelve months 1550 were housed at the institution for 72 hours or more. There were 1550 assigned to the facility for 30 days or more. There are 360 inmates assigned to MTC/Gadsden that were assigned on August 12, 2012. The age range of the inmates was 19 to 65 years of age. There were no youthful inmates housed at the facility. Average length of supervision is 3 years 6 months. The custody level ranges from medium to community. There is 334 staff assigned with 55 being new hires during the last twelve months. This is the initial audit for the facility. There are 550 volunteers and 44 contract personnel authorized to enter the facility.

Documents reviewed for this audit included the Pre-Audit Questionnaire, policy, institutional supplements, PREA training records for staff, volunteer, contractors and inmates, sexual abuse and harassment complaints, training curriculums. Compliance with the PREA standards was verified through a review of primary policy, secondary file documentation, and interviews with staff.

DESCRIPTION OF FACILITY CHARACTERISTICS:

Gadsden Correctional Facility (GCF) is an all-female facility located at 6044 Greensboro Highway, in Gretna, Florida, approximately three miles north of Interstate 10, in Gadsden County. The facility grounds occupy 106 acres, with an estimated 92 acres within the secure perimeter. GCF has a capacity of 1,544 inmates, but on average, houses 1,536 inmates. GCF opened its doors in April 1995, under the management of USCC, then by CCA, and is currently operated by Management & Training Corporation (MTC), under contract with the Department of Management Services (DMS). GCF was the first private owned facility in Florida to house state inmates under contract with the Department of Corrections. MTC took over management in August 2010.

As you enter the main parking lot from Greensboro Highway, the first building to the left is the Administration building. As you enter the Administration building, you will be greeted by the receptionist, and then immediately to your left is the Warden's office. In the Reception area, you will find the Business Manager's office, as well as some of his staff. As you proceed down the hallway, you will pass the staff break room, and offices of the Compliance Manager, Inmate Accounts/Purchasing, Human Resources and at the end, the Training Room, where you will find the Training Manager, Training clerk and IT offices. Exiting

the Administration building, straight ahead you will see the Warehouse (this would have been the first building to your right entering the main parking lot). The Warehouse houses the supplies/inventory for the facility, as well as the Commissary Office and inventory, the Facility Mailroom, and the RRT Team Ready Room. Exiting the Warehouse, to your left, is the Maintenance building. The Maintenance building houses the maintenance office, shops and vehicle bay; Tool Room and Cage; Fire & Safety office; Outside Grounds bay; and excess tool storage room. Surrounding the Maintenance building you will find our recycling shed, compactor, paint/chemical inventory room, and the water tower. The City of Gretna supplies water to the Facility.

There are two entrances into the secure perimeter- the Control Room/Front Entrance and the Sally Port/Vehicle Entrance. The Control Room/Front Entrance is just past the Administration building, with the front door shaded by a very large pavilion. Once you are processed through the Front Entrance by security staff, you will proceed through two security gates and enter the Visitation Park. Visitation is held on Saturday and Sunday, and certain holidays, from 9:00am-3:00pm. There is a cashless canteen for visitors' use located in the Visitation Park. As you exit the Visitation Park, you will proceed to your right on the main walkway. There are four, proto-typical, open bay dormitories to your left (Alpha, Bravo, Charlie and Delta), which house 284 inmates each. As you continue on the main walkway, you will come to an "intersection"- proceeding down the sidewalk to your left, you will walk in between the four dormitories, and finish at the Chapel and the Recreation area. Our Recreation area houses a full size gym, as well as outside activity areas- two tennis courts, basketball courts, softball field, two sand volleyball courts, an obstacle course area and a ¼ mile walking/running track. Going back to the "intersection," and proceeding right, you will pass through the Breezeway/Security Building. The Security Building houses Deputy Warden of Operations and Secretary, Chief of Security and Secretary, Administrative Lieutenant, Shift Supervisors, Contract Monitor and Staff break room. Continuing through the Breezeway, you will enter the Courtyard area. To your left and continuing clockwise, are the following: AutoCad class, Library, Food Service, Culinary Arts, HVAC, Horticulture Bay, Transition/CDL/Cosmetology, and Laundry. These are all in one continuous building. After the separation in the buildings, continuing clockwise, are the following: Property/Intake, Classification (Florida Department of Corrections staff), Medical (Infirmary/Dental/Mental Health/Pharmacy), and Education (Deputy Warden of Programs office/Programs Specialist office/Principal/Secretary/5 Classrooms). On the right side of the Courtyard, there are two classrooms, and on the left side, is the Greenhouse. There is a large garden planted on the right side, behind the two classrooms.

As you exit the Courtyard area, continuing on the sidewalk from the breezeway, to your left is Foxtrot dormitory, with houses 408 inmates within its six quads. Also in Foxtrot Dormitory, you will find our RTU (Residential Treatment Unit) staff, offices and classrooms. Three quads within Foxtrot are specifically designated to the RTU program, and house the inmates assigned to RTU by the Florida Department of Corrections. o your right is the Segregation/Confinement building. The new, two story unit has (46) single person cells- (22) Administrative Confinement cells (24) Disciplinary Confinement cells. The old unit

has (15) two person cells, is used only in case of emergency, or exigent circumstances. The second entrance in to the secure perimeter, the Sally Port/Vehicle Gate, is to the right of the Segregation Unit entrance.

Staff members at MTC/Gadsden manage inmates who will soon be released into society. To increase their opportunity for success, the facility provides rehabilitative programming, life skills and re-entry services for each inmate. MTC/Gadsden provides inmates a variety of recreational activities in an effort to promote healthier lifestyles. The facility also has three active canine rescue and training programs: Canine Companions for Independence (CCI), National Greyhound Foundation/Prison Greyhound Partnership Program/Second Chance at Life and Easter Seals/K-9s for Kids. MTC Gadsden is an active community partner, as a Chamber of Commerce Member and a supporter of many local charities.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 4 (18, 31, 33, and 41)

Number of standards met: 38

Number of standards not met: 0

Number of standards not applicable 1 (14)

115.11- Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility meets the standard based on the policy 602.053. This was confirmed in staff and inmate interviews. All were aware of the Zero tolerance policy. Inmates received training upon arrival to the facility. Staff has been trained and is trained annually during in service training. The department has an agency wide coordinator. 99 percent plus of her work time is spent on PREA. She coordinates with the other 48 institutional PREA managers. The PREA Coordinator was very knowledgeable about the PREA requirements and was considered very effective in meeting the requirements of PREA.

115.11 (a)-2: 602.053 Page 2 Section 2:

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.

115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

MTC Gadsden contract signed in 2010 requires the facility to be compliance with PREA standards.

115.13 Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Contract requires the facility operate at Level II or normal operations. They do not assign housing officers to other duties. They are assigned to the housing units for complete shift

Daily housing logs reflect shift supervisors making unannounced rounds on all shifts.

115.13 (a)-1: 602.030 Section 4 Page 5

- (a) A quarterly review will be completed for each security roster beginning with the Warden. Information to be reviewed will be:
 1. long-term loans;
 2. extended special assignments;
 3. security staffing levels; and
 4. gender specific assignments in accordance with "Gender Specific Security Positions, Shifts, Posts, and Assignments," Procedure 602.036,
- (b) The Wardens will complete the quarterly review by indicating their approval making the RMS roster ready for the regional review. Regional offices will have their reviews completed and ready by the first (1st) day of the month as listed below.

115.13 (a)-1: 602.030 Section 8 Pages 8 & 9

(1) SECURITY STAFFING LEVELS:

Each regional office of institutions will be responsible for maintaining a current "Regional Staffing Level Post Designations for Institutions and Satellites," DC6-292. The DC6-292 is available in the "public folder" section of Outlook under Institutions/Security Operations/Staffing Levels. Regional Operational Correctional Service Consultants and Assistant Wardens have access and the ability to make changes. Review and change to this form will be made on an as needed basis by the designated regional staff member. This will be done each time a revised/new post chart is generated.

- (a) Security staffing levels are designated to assist supervisors in the daily staffing of their shifts by establishing priorities for post staffing which will assist in ensuring continued security and safety of staff, visitors, and inmates.
- (b) Level I posts are critical for the daily operation of a shift. Operating at Level I may include limiting certain activities such as recreation or work squads. (The Duty Warden must grant her/his approval to eliminate or delay any of these daily activities.) Level I posts will not be utilized for special assignments, extended special assignments, or loans to other departments on a routine basis.

- (c) Under no circumstances will a shift begin below Level I staffing or be allowed to go below this level except in emergencies.
- (d) Level II posts are essential to the daily normal operation of a facility. Operating at Level II allows all activities and programs to be marginally staffed.
- (e) Level III posts are necessary for long term “normal” operation. Level III posts will generally be utilized to fill any Level I or Level II posts as needed prior to using the Extended Workday Roster.
- (f) Administrative shift positions listed as Level II or Level III may be used to meet the Level I needs on the second (2nd) and third (3rd) shifts before use of DC2-821.

115.13 (d)-1: Post order 3 Section 9 Page 2

(9) Conduct daily unannounced rounds and security inspections of all inmate housing and activity areas. All security posts will be visited and these inspections will be documented daily on the DC6-207 Control Room Log, as well as the DC6-209 Housing Unit Log or DC6-228 Inspection of Special Housing Record maintained in each area

602.33 Sections 5-8, Pages 4 & 5

(5) The Duty Warden or her/his designee, a shift supervisor or above, will check the fixed video cameras and associated recording devices for proper operation at a minimum of every twenty-four (24) hours by visually checking the monitors and recording indicators on the equipment and by playing back and viewing a sample segment of the recording.

(6) Once per month, the Chief of Security and the Maintenance and Construction Superintendent shall conduct a joint review of all fixed wing cameras and associated recorders maintained within all segregation units. At a minimum, these checks will be used to ascertain the following:

- (a) readiness and operational status of the equipment, including back-up power;
- (b) picture clarity and quality;
- (c) ensuring that there are no sight-line obstructions;
- (d) checking for and noting ‘blind spots’;
- (e) cracked/dirty camera lens; and
- (f) any other operational area that can affect camera coverage/video recording capability.

(7) Upon completion of the requirements in section (6) above, the Chief of Security and the Maintenance and Construction Superintendent will jointly sign and date a memo, addressed to the Warden.

(a) The memo shall include:

1. the date and time of completion of this equipment status check

2. the names and titles of staff involved,
3. any discrepancies found,
4. how issues have been resolved or are going to be resolved, and
5. any cost(s) and the timeline involved.

(8) The Shift Supervisor will check the fixed video cameras at the beginning of the shift to determine if they are operational by visually checking the monitors and recording indicators on the equipment. The function check of the camera system will be captured on the "Control Room Log," DC6-207 and the "Housing Unit Log," DC6-209.

115.14 Youthful Inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The standard is not applicable. MTC/Gadsden is an adult female facility. They do not house youthful inmates.

115.15– Limits to Cross Gender Viewing and Searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy prohibits cross gender pat down searches except in emergency situations.

Policy prohibits visual body searches and body cavity searches by the opposite sex. A review of search logs confirmed no cross gender visual body searches or body cavity searches were performed.

Male staff announces their presents on the housing units. This was confirmed during the tour and staff/inmate interviews. Housing logs document the announcement at the beginning of the shift.

115.15 (a) -1: 33-602.204 Section 1a, 2a, 4, 3a, 3d pages 1-2

1. Searches while clothed.

(a) Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this provision is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search

due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.

2. Strip searches.

(a) Strip searches of inmates shall be conducted only by Correctional Officers who shall be of the same sex as the inmate, except in emergency circumstances.

4. Internal examination of the body orifices, when required, will be made by medical personnel only. Any bandages or casts should be thoroughly examined by medical staff.

3. Body cavity searches.

(a) Body cavity searches of inmates shall be conducted only by appropriate Health Services staff who may be of the opposite sex from the inmates.

(d) No physical intrusion into the inmate's oral cavity will be attempted by any other person other than Health Service staff.

602.018 Section 2 pages 4-5

(2) SEARCHES/INSPECTIONS FOR CONTRABAND:

(a) Searches/inspections will be performed to uncover contraband, prevent escapes, maintain sanitary standards, and to eliminate fire and safety hazards. These searches will include, but are not limited to:

1. clothed and unclothed searches of inmates;
2. area searches of inmate living, work, and recreation areas; and
3. any area accessed by civilians.

(b) Clothed searches of inmates will be conducted at random by security staff during the course of their daily routine.

3. Clothed searches of female inmates by male staff will only be conducted during an emergency as determined by the Shift Supervisor. The only exception to this is when time and circumstances do not allow for the arrival of female staff or consultation with the Shift Supervisor prior to conducting the search due to an imminent threat of physical violence, and the search is needed to secure the inmate to prevent injury to staff or other inmates. Afterwards, the staff performing the search will submit an "Incident Report," DC6-210, explaining the urgency justifying the search exception.

(c) **Unclothed searches of inmates will be conducted by staff of the same sex, except in an emergency situation as determined by the Shift Supervisor.** The clothing and the inmate's body will be carefully inspected to determine if contraband is being concealed.

602.036 Section 2 pages 2-4

(a) Housing:

1. In locations that house general population inmates, at least one (1) post on the Night Shift and/or Night Swing Shift in each general population housing unit will be

designated gender specific. This Night Shift and/or Night Swing Shift housing officer assignment will apply only to major institutions that cannot or do not comply with section (2)(a)2 of this section. At all work camps and community facilities, an opposite gender officer may be solely assigned.

2. Inmates will not be supervised by officers of the opposite gender while inmates are showering or in the toilet area unless appropriate privacy screening is provided to obscure from view:
 - a. the breasts of female inmates, and
 - b. the genitalia and buttocks of both male and female inmates.
 3. More intrusive supervision involving viewing the areas of the body specified above must be conducted by officers of the same gender as the inmate being supervised, except in emergency situations where safety and security issues dictate otherwise.
- (b) **Special Housing:** All posts involving the direct supervision of inmates in special housing will be gender specific to the inmates being supervised.
1. Direct supervision in these areas refers specifically to the duties of intrusive supervision of showers and/or the performance of strip searches.
 2. Strip searches associated with escorted movement may be performed by the staff providing direct supervision, i.e., assigned housing unit officers, and not necessarily by escort staff unless the escort staff is of the same gender as the inmate.
- (f) **Searches of Inmates:**
1. Clothed searches of male inmates will be conducted only by appropriate staff who may be of the opposite sex from the inmates.
 2. Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the Shift Supervisor. The only exception to this section is an instance when time and circumstances do not permit the arrival of female staff or consultation with the Shift Supervisor prior to conducting the search due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.
 3. Strip searches of inmates will be conducted only by those in the Correctional Officer class of the same sex as the inmate, except in emergency circumstances as determined by the Shift Supervisor.
 4. All strip searches of inmates conducted by staff of the opposite gender and clothed searches of female inmates done in conjunction with section (2)(f)2. above require the staff conducting the search to submit an "Incident Report," DC6-210, explaining the justification for the search exception.

115.16 Inmates with Disabilities and Inmates who are Limited English Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

The auditor verified a staff translator list was available. The language line is available for use by staff when a staff translator is not available. There are posters in English and Spanish on all housing bulletin boards. Policy prohibits the use of inmate interpreters except in emergency situations or the inmate's safety would be compromised. Staff and inmate interviews all supported that inmates would not be relied on as translators.

115.16 (a) -1 602.053 Sections 2e2 & 2e3 Page 8

(d) Inmates:

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. 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 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.

115. Hiring and Promotions Decisions 17

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility through the servicing personnel office ensures no one with a history of sexual abuse in any confinement setting is employed with the facility. There is a supplemental application that covers all the areas of the standards. Background checks (FCIC/NCIS) are conducted on all new hires. The department is connected as a level II employer and any arrest is provided to the department upon entry into the system. Background checks are conducted on all contractors and volunteers are conducted prior to approval and annually thereafter.

115.17 (a) -1 208.049 Sections 4a, 4c & 4d Pages 6 & 7

(4) PRELIMINARY BACKGROUND INVESTIGATION:

(a) The recruiter will e-mail the servicing personnel office the name, social security number, and date of birth of each applicant under consideration. If the applicant is a former employee this information will also be provided to the servicing personnel office, including the date(s) and location of the last place worked.

(c) The servicing personnel office will:

1. check the human resource database screens PR20 and PR22 for prior discipline;

3. check IGLOGS to determine if the former employee was the subject of any investigation while previously employed with the department.

a. If the investigation is still active, contact the inspector assigned to the case for details.

b. If a final disposition has been recorded, report if the findings were sustained or un-sustained;

4. determine if the applicant left while under investigation; and

5. provide the recruiter with any information obtained as a result of the checks. This will include:

a. the reason for any failed background investigation along with the date and location where the investigation was conducted; and

b. completing the "Request for Rehire," DC2-814, as per section (6)(a) for all prior department employment information.

(d) The recruiter will:

1. Obtain an FCIC II/NCIC criminal history report.

b. This report will be used to determine whether the applicant has been convicted of a felony or of a misdemeanor involving perjury or false statement and determine whether her/his prior criminal record violates the department's "Moral Character and Traffic Violation Guidelines," NI1-088.

2. Review records in the Florida Department of Law Enforcement's (FDLE) Automated Training Management System (ATMS) for:

a. pending or prior officer discipline,

c. prior employment with a criminal justice agency.

8. Conduct a local law enforcement check for all cities and counties in which the applicant has resided and/or worked in over the past ten (10) years (this information can be requested by e-mail or fax the "Local Law Enforcement Check," DC2-879, to the local law enforcement agency to expedite the process).

115.17 (a) -1: 208.049 6b Page 11

(6) REHIRES:

(b) The recruiter will: complete questions 8-12 of the DC2-814, sign the form, and forward it to the hiring authority along with:

1. supporting documentation,

2. employment verification(s),

3. education verification, and

4. the FCIC II/NCIC report.

2. If the applicant was fired, separated while under investigation, or separated under adverse circumstances and the approving authority (i.e. regional director) wants to rehire the applicant, the DC2-814 and all of the information listed in section

(6)(b) above will be sent to the chief of personnel. The chief of personnel will provide the information to the reviewing authority for consideration.

115.17(a)-1 208.049 7a & 7d Pages 11 & 12

(7) PRIOR CRIMINAL RECORD:

- (a) If it is determined that the applicant has a criminal record, the recruiter will request the applicant to provide:
1. a signed statement describing the incident leading to her/his arrest(s)/conviction(s),
 2. copies of the arrest/police report, and
 3. official court disposition from the Clerk of the Court with verification the requirements of the court order were satisfied.

(d) The hiring authority will decide if the applicant will be granted further consideration in the hiring process by approving/disapproving the DC2-8021. The criminal record and supporting documents will be reviewed, so it can be determined if there is a violation of the department's moral character or traffic violation guidelines.

115.17(a)-1 208.049 8a2 & 8b Page 13

(8) FINALIZING THE BACKGROUND INVESTIGATION:

2. contacting, at a minimum, employers for the past five (5) years in person, by phone, or by e-mail, using the "Employment Verification," DC2-827 (the form may be mailed if no other option is available);

(b) Once the background investigation has been completed (or during the course of the investigation), the recruiter may become aware of inconsistencies or contradictions between information the applicant supplied and the information obtained from other persons and/or records in the course of the investigation. In such a situation, the recruiter may schedule a discrepancy interview with the applicant and attempt to resolve inconsistent information. The results of the discrepancy interview will be documented on the back of the "Correctional Officer/Correctional Probation Officer Background Investigation Checklist," DC2-8019.

115.18–Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Facility originally opened in 1995. There are 72 Pelco recording cameras strategically located throughout the facility.

115.21 – Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Staff and Investigative Officers confirm the Chain of Evidence Protocol during the interview process. The Department has a contract for SART nurses. They are on site within two hours of the call. Policy is no co pay for any PREA incident or follow-up. Mental health services are provided by Corizon staff. Corizon staff provided follow up counseling.

The Inspector General's Office is responsible for all investigations of sexual abuse or sexual harassment. Inspectors were trained by the Moss Group to conduct sexual assault investigations.

115.21 (a)-3:108.015 Section 7b, 7e, 7g – 7i, 7l, 7r, & 7u Pages 5-6, 9b3 Page 7, 9b9 & 9b10 Page 8

(7) INCIDENTS ON INSTITUTIONAL GROUNDS:

- (b) Correctional personnel shall separate the alleged victim and suspect.
- (e) The OIC shall ensure that the crime scene is secure and remains undisturbed until released to a responding Inspector or other law enforcement authority.
- (g) The OIC shall ensure that the victim inmate is instructed not to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.
- (h) No inmate who is suspected of having been involved in a sexual battery or sexual misconduct shall be permitted or assisted to clean blood, saliva, or other evidence from her/his person, except as may be necessary for medical purposes. The suspect inmate(s) shall not be permitted to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.
- (i) No crime scene in which evidence exists shall be cleaned, disturbed, transited, or manipulated in any manner until released by a responding Inspector or other law enforcement authority.
- (l) The only Non-Department personnel permitted to enter a crime scene involving a sexual battery or sexual misconduct are those from other sworn law enforcement staff, or law enforcement support personnel (e.g., forensic officers, firefighters, emergency medical personnel).
- (r) The OIC shall ensure, without delay, a suspect inmate of a sexual battery or sexual misconduct is secured and does not wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or take any action to that could destroy physical evidence. After checking with an Inspector or other law enforcement authority, the clothing worn by the suspect should be taken into evidence in accordance with "Prison Rape: Prevention, Detection and Response," Procedure 602.053.
- (u) The OIC or Incident Commander shall ensure:

1. any weapon or evidence suspected of being involved in a sexual battery or sexual misconduct is preserved,
2. that a "Chain of Custody," DC1-801 is created and maintained, and
3. the evidence is provided to the responding Inspector or other law enforcement personnel as soon as possible and with minimal handling so as to preserve any latent or forensic evidence contained thereon.

INSPECTOR RESPONSIBILITIES:

(b) An Inspector investigating a sexual battery or sexual misconduct with injury shall:

3. if a forensic evidence technician is unavailable, assume responsibility for the proper collection, retention, and maintenance of physical evidence and all accompanying chains of custody;
9. if as a result of the interview with the victim, physical evidence of alleged battery or misconduct may exist on the victim, request a sexual assault examination and evidence kit be conducted by a SANE or SART;
10. ensure photos are taken of any physical injuries of the victim (e.g., bruises or cuts);

602.053 Section 4a5, Page 10, 5 a-g Pages 11 & 12

5. Any inmate who alleges 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 to.

This offer will be documented in an incident report.

(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) Staff from the Office of the Inspector General will collect evidence as appropriate; and the Panhandle Nurse Forensic Specialist's SART will collect the clothing the inmate was wearing at the time of the sexual battery if the inmate is still wearing them.
- (e) **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.**
- (f) 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.
- (g) 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.

115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews with Administrative staff and investigative staff corroborate that all reports of sexual abuse or harassment are reported to the IG office. Procedure 108.015 covers sexual abuse and harassment investigations.

115.22 (a) -1: 108.003 Section 1a & 1b Page 7, 3a & 3b Page 11, 6b Page 12, 10a Page 17, 13a Page 18

(1) RESPONSIBILITY:

- (a) The OIG shall be responsible for the investigation of civil, criminal, and administrative matters relating to the Department and within the jurisdiction of the Department.
- (b) All investigations shall be conducted in accordance with all applicable constitutional, statutory, code, rule, procedure, and other authority, including union or bargaining unit requirements.

(3) ACCESS:

- (a) An Inspector shall have access to any records, data, and other information of the Department or of any entity contracted with the Department s/he deems necessary to carry out her/his duties. The Inspector General or her/his designee is authorized to request such information or assistance as may be necessary from the Department or from any federal, state, or local government entity.

- (b) In order to carry out her/his duties, an Inspector shall have full and immediate access to any Department property, location, or facility within the jurisdiction of the Department and to any property, location, or facility of any contractor, vendor, or subcontractor with whom the Department contracts to house inmates or offenders and where inmates or offenders are housed, transported, or are otherwise present.

(4) CRIMINAL INVESTIGATIONS - INSPECTOR RESPONSIBILITY:

(b) Unless excepted by an Inspector Supervisor, the Inspector shall attempt to interview the victim(s) and all known witnesses and interrogate the suspect(s). Any exception and the reasons for the exception shall be documented in the case file. Any refusal by a victim(s), witness(es), or suspect(s) to be interviewed shall be documented in the case file.

(10) CONTRACT INVESTIGATIONS:

- (a) The Inspector General or her/his designee shall notify the CIG of any investigation involving a transaction, contract, contractor, vendor, or other entity doing business with the state.

(b) PRIVATE PRISONS:

The OIG shall have primary jurisdiction of the investigation of violations of criminal law occurring at any private prison, except those being conducted by other state or federal law enforcement agencies.

115.22 (b) 1: 108.015 Section 3 Page 4, 8d Page 7, 10a & 10b Page 9

- (2) The Office of the Inspector General shall, except pursuant to the terms of any valid Memorandum of Understanding (MOU) or protocol with any other law enforcement agency, be the primary investigative unit of all sexual misconduct allegations occurring on Department property.

(8) INCIDENTS ON DEPARTMENT PROPERTY OTHER THAN INSTITUTIONAL GROUNDS:

(d) Without unnecessary delay, the senior ranking Department employee or her/his designee shall notify the Office of the Inspector General, or the appropriate law enforcement agency any time a sexual battery or sexual misconduct occurs on Department property.

(10) SEXUAL HARASSMENT:

- (a) All allegations of staff on inmate sexual harassment shall be investigated by the Office of the Inspector General. None shall be referred to management.
- (b) If there is no criminal predicate, the investigation shall be investigated as an administrative case.

602.053 Section 5 Page 11

- (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.

115.31 Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Staff interviews and review of training records show that staff has been trained and are aware of the zero tolerance policy. MTC/Gadsden does document through staff signature that they understand the training received. In the interviews conducted it is apparent they have received the required training as they were able to articulate the content of the training. Staff covered the first responder responsibilities during the formal and informal interview process. Each department head has a copy of Quick Reference Guide for PREA on their desk.

115.31 (a) 1: 602.053 Section 2c Pages 7 & 8

(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. 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.).

115.32 – Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on interviews and review of training records, volunteers and contract staff have been trained/ Volunteers do sign that they understood the training. The training is provided in a read and sign format.

115.32 (a) 1: 602.057 Section 1g1 Page 5

- (g) The Community Work Squad Coordinator will coordinate with the Florida Department of Corrections' training managers to ensure non-DC supervisors who are or will be supervising Florida Department of Corrections' inmates receive orientation/annual training.
 1. Non-DC supervisors will receive thirty-two (32) hours of orientation training prior to supervising inmates and will receive eight (8) hours of refresher training annually thereafter. The annual refresher training must be completed during each fiscal year following the fiscal year in which the orientation training was provided.

115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews with inmates revealed that substantial efforts have been made to ensure all inmates receive the training. Inspector Garcia has taken great efforts to ensure all inmates and staff is well trained in PREA. Inmates are provided information on intake about the zero tolerance policy. The next working day the Inspector provides a detailed training program to the new intakes. All transfers are intra system transfers. There is a list of staff translators available and the Language line is available for those Limited English speaking inmates. There are posters on all bulletin boards in all common areas.

115.33 (c)-3: 601.210 Section 1a Page 2, 1c2 Page 3, 1d Page 3, 2c Page 3, 3 Page 4, 4a, 4b3, 4d Pages 4 & 5, 5b, 5c, 5g, 5h Pages 5 & 6

(1) INMATE ORIENTATION PROGRAMS:

- (a) The inmate orientation program provides the necessary information important to an inmate upon entry into the Florida Department of Corrections and throughout her/his incarceration.

(c) Major components in the overall orientation include:

2. Orientation program on sexual assault,

(d) Whenever possible, orientation will be presented in the inmate's native language if an inmate does not understand English. If possible, written materials will also be provided in the inmate's native language. When a language barrier exists, the staff will exert every effort to ensure that the inmate understands the orientation information. Selected staff, volunteers, or inmates may be called upon to assist with interpretation.

(2) INITIAL ORIENTATION:

Upon arrival at a reception center, the inmate will receive an initial orientation via an approved video presentation that specifically addresses the following:

(b) protection issues to include information on preventing and reducing the risk of sexual violence (a more thorough protection program will be provided during the first forty-eight [48] hours of incarceration); (This information will also be provided to the inmate in writing.)

(3) ORIENTATION ON SEXUAL ASSAULT:

The additional protection program presented within forty-eight (48) hours of incarceration will provide at a minimum:

- (a) information on the Prison Rape Elimination Act (PREA) of 2003 and the Department's zero tolerance standard relating to sexual assault;
- (b) the viewing of "Speaking Up: Discussing Prison Sexual Assault," DVD;
- (c) a realistic presentation on how to avoid sexual violence while incarcerated;
- (d) information on how to prevent and reduce the risk of sexual violence;
- (e) explanation of appropriate methods of self-protection and intervention;
- (f) information on how to report sexual assault to staff, including contact information for the Office of the Inspector General;
- (g) information on available sexual assault counseling and treatment; and
- (h) instructions on the process for requesting sexual assault counseling and treatment.

(4) COMPREHENSIVE ORIENTATION:

(a) Within five (5) working days of arrival at a reception center, but prior to transfer, each newly committed inmate will receive a copy of the "Inmate Orientation Handbook," NI1-091, and a comprehensive orientation relating to requirements and opportunities during the remainder of her/his incarceration while assigned to any institution/facility within the Department.

(b) The orientation will include at a minimum the following:

3. The PREA,

(d) The inmate will sign the "Acknowledgment of Receipt of Orientation on the Prison Rape Elimination Act (PREA) of 2003 (Reception)," DC6-134C (a Spanish version of the DC6- 134C is available for Spanish-speaking inmates). The original form will be placed in the inmate's institutional file and receipt of this orientation will be properly reflected in the inmate record.

(5) INSTITUTIONAL ORIENTATION:

(b) Each inmate will sign the "Acknowledgement of Receipt of Orientation (Permanent Facility)," DC6-134B (a Spanish version of the DC6-134B is available for Spanish-speaking inmates). The original form will be placed in the inmate's institutional file.

(c) The inmate will sign the "Acknowledgment of Receipt of Orientation on the Prison Rape Elimination Act (PREA) of 2003 (Permanent Facility)," DC6-134D (a Spanish version of the DC6-134D is available for Spanish speaking inmates). The original form will be placed in the inmate's institutional file and receipt of this orientation will be properly reflected in the inmate record.

(g) Institutional orientation programs will include, at a minimum, information on the PREA and information on prevention, intervention, appropriate methods of self-protection, reporting, and treatment and counseling. Inmates will be directed to the areas where written materials on the PREA and reporting information are located.

(h) During orientation at any institution/facility, inmates will be directed as to the location of proposed and/or approved rules, e.g., bulletin boards, library. Each inmate is to be informed that once this direction is given, it is her/his responsibility to avail her/himself of this information in order to stay abreast of any changes or updates that may take place during her/his incarceration.

115.33 (d) -1: 602.053 Section 2a1 Page 6 & 2e Page 8

(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.

(e) Inmates:

1. Each Warden will ensure that the inmate orientation process 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. 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 areas easily accessible to inmates, family members, and the public at each facility:
 - e. PREA Poster – A, NI1-062
 - f. PREA Poster – B, NI1-063
 - g. PREA Poster – C, NI1-064, and
 - h. PREA Poster – D, NI1-065.

115.34 – Specialized Training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Investigative staff received Train the Trainer from the Moss Group. All staff have been PREA trained for investigating sexual abuse and harassment cases.

(10) SPECIALIZED TRAINING INVESTIGATIONS:

- (a) In addition to the general training provided to all employees pursuant to section 115.31, F.S., the Department shall ensure that Inspectors have received training in the conducting of such investigations in confinement settings.
- (b) Specialized training shall include:
 1. techniques for interviewing sexual abuse victims,
 2. appropriate application of *Miranda* and Garrity warnings,
 3. sexual abuse evidence collection in confinement settings, and
 4. the criteria and evidence required to substantiate a case for prosecution referral.
- (c) The Department shall maintain documentation that Inspectors have completed the required specialized training in conducting sexual abuse investigations. Training documentation shall be maintained by the Bureau of Staff Development and Training.

115.35 – Specialized training: Medical and mental health care.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Department has a state wide contract for trained SART nurses to respond to the facility. The SART team all have the appropriate training required.

115.35 (a) -1: 602.053 Section 2c & 2d Pages 7 & 8

(2) PREVENTION/DETECTION:

(c) Training/Education: 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.

(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.

115.41 – Screening for risk of victimization and abusiveness.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Department has embarked on an aggressive initiative to reduce in-cell violence between inmates. The focal point of this initiative is to ensure inmates considered predators or potential predators are housed appropriately. Inmates that can be considered a danger to others should not be housed in cells with inmates who can be considered potential victims. To that end, a major system identifies these types of inmates as well as inmates that may be sexual aggressors or victims.

The Department utilizes a complex web system designed by the Bureau of Classification Management to identify potential inmate predators, prey and those inmates at risk for sexual violence either as an aggressor or as a victim. This is a multi-tiered system that performs a variety of significant functions including ensuring appropriate housing of identified and potential predators and sexual aggressors.

This system consists of five screens:

1. IM25 Dorm Capacity screen
2. IM26 Bed Inventory screen
3. IM27 Bed Profile screen
4. IM28 Bed Status screen
5. IM29 Internal Movement screen

There were 7 confirmed predators assigned to MTC/Gadsden. There are 8 confirmed victims assigned to MTC/Gadsden.

115.41 (a) -1: 602.053 Section 2a1, 2a6 & 2a7 Page 6, 11 Page 14

(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.
6. 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.
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.

(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.

601.209 Section 1k Page 5, 5 i& 5j Pages 5 & 6, 8a & 8b Page 7

INITIAL INTAKE:

(k) Receiving staff will ensure each inmate is initially interviewed utilizing CARP to include the "Inmate Receipt," "Physical Characteristics," and "Demographic Data" screens.

(5) SCREENING AND ASSESSMENTS: During the reception process, all inmates will be subject to the following guidelines, screening, and assessments:

(i) screening within twenty-four (24) hours of arrival for potential mental and physical vulnerabilities that would jeopardize an inmate's safety as well as for tendencies toward sexually aggressive behavior that could be harmful to other inmates in accordance with the Prison Rape Elimination Act of 2003 (PREA), P.L. 108-79, and appropriate ACA standard (housing assignments will be made accordingly); and

(j) screening for risk of sexual victimization or risk of sexually abusing other inmates within seventy-two (72) hours of intake in accordance with Prison Rape Elimination

Act National Standards, as well as to determine an initial Sexual Risk Indicator score.

(8) CRIMINAL HISTORY:

(a) All arrest history information in the pre-sentence investigation, NCIC/FCIC II report, or JJIS (Juvenile Criminal History) will be entered into the CARP "Arrest Record" screen. Dispositions will be requested under the following circumstances:

1. For all felonies committed in the last five (5) years if the disposition is not indicated or "unknown" regardless of the offense level.
2. For any severity level 1 or 2 offense as defined by the custody system regardless of how long ago the arrest occurred.

(b) Circumstances and disposition will also be requested, regardless of when the arrest occurred, for the following offenses:

1. sex offenses, including crimes initially charged as sex offenses, but which result in a conviction for a non-sexual offense, with the exception of:

- a. acts relating to prostitution;
- b. urinating in public;
- c. nude sunbathing or swimming;
- d. nude or semi-nude adult entertainment;
- e. exposure of buttocks (mooning);
- f. streaking;
2. kidnapping;
3. burglary;
4. false imprisonment;
5. aggravated child abuse;
6. escape; and/or
7. indecent exposure.

115.42 - Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

The Department has embarked on an aggressive initiative to reduce in-cell violence between inmates. The focal point of this initiative is to ensure inmates considered predators or potential predators are housed appropriately. Inmates that can be considered a danger to others should not be housed in cells with inmates who can be considered potential victims. To that end, a major system identifies these types of inmates as well as inmates that may be sexual aggressors or victims.

The Department utilizes a complex web system designed by the Bureau of Classification Management to identify potential inmate predators, prey and those inmates at risk for sexual violence either as an aggressor or as a victim. This is a multi-tiered system that performs a variety of significant functions including ensuring appropriate housing of identified and potential predators and sexual aggressors.

This system consists of five screens:

1. IM25 Dorm Capacity screen
2. IM26 Bed Inventory screen
3. IM27 Bed Profile screen
4. IM28 Bed Status screen
5. IM29 Internal Movement screen

The facility has no transgender or intersex inmates assigned to the facility.

115.42 (b)-1: 601.209 Section 5i Page 6, 15a Page 10, 19b Page 11 & 24a Page 13

(5) SCREENING AND ASSESSMENTS: During the reception process, all inmates will be subject to the following guidelines, screening, and assessments:

(i) screening within twenty-four (24) hours of arrival for potential mental and physical vulnerabilities that would jeopardize an inmate's safety as well as for tendencies toward sexually aggressive behavior that could be harmful to other inmates in accordance with the Prison Rape Elimination Act of 2003 (PREA), P.L. 108-79, and appropriate ACA standard (housing assignments will be made accordingly)

(15) SPECIAL REVIEW CASES:

- (a) Inmates who should be separated from other inmates or staff, or who should not be housed at a specific facility due to a special circumstance(s), will be identified. Special review will be implemented only when the circumstances are serious in nature and are expected to be long-term in duration. Determination of the applicability of this status to an inmate(s) will be made in accordance with "Special Review," Procedure 601.215.

(19) REVIEW AND PROCESSING OF CLOSE AND PROTECTIVE MANAGEMENT INMATES RECEIVED AT A RECEPTION CENTER

- (b) If an inmate was in protective management at the time of her/his release from a previous incarceration and returned to custody, the Classification Supervisor will:
 2. interview the inmate if necessary to determine if referral for protective management in accordance with Rule 33-602.220(3)(c), F.A.C., is appropriate;

(24) PERMANENT PARTY WORK/PROGRAM ASSIGNMENTS AT RECEPTION CENTERS:

- (a) A permanent party inmate, initially assigned to a reception center, will be interviewed by the Classification Officer to assess the inmate's initial work and program/re-entry assignment if within the timeframes for programming.

602.053 Section 2a2, 2a3, 2a6, 2a8 – 2a11 Pages 6 & 7

(2) PREVENTION/DETECTION

(a) **Identification:**

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 disorder that requires necessary medical or mental health care. This information will be documented in CARP.
3. Inmates with a possible diagnosis of Gender Identity Disorder (GID), including inmates who allege they have GID, 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.
6. 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.
8. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status.
9. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.
10. 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.
10. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

115.43 – Protective custody.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Segregation housing is used as a last resort. Inmates placed in Administrative Confinement in Protective status have limited privileges to programming the same as general population inmates. The investigation is completed as timely as possible. Classification staff review the inmates status every seven days while in Segregated status.

115.43(a)-1: 33-602.220 Section 2a & 2b Page 1, 3, 3c, 3c3f, 3c3g Pages 2 & 3, 4d Page 4, 5a-5p Pages 5-7, 8c Page 8, 9a Page 8

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) as a means of promoting the security, order and effective management of the institution. Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (Rule 33-602.221, F.A.C.). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available.

The following elements shall be considered in determining whether protective management is necessary:

f. Reliable, confirmed evidence of sexual harassment;

g. Other factors such as physical size, build and age producing a risk from the general inmate population.

(4) ADMINISTRATIVE CONFINEMENT FACILITIES

(d) The administrative confinement cells shall be physically separate from other confinement cells and the cell doors will feature remotely controlled locking devices, whenever possible given the physical design of the facility, and the number of inmates housed in administrative confinement shall not exceed the number of bunks in the cell.

(5) CONDITIONS AND PRIVILEGES

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution

(b) Bedding and linen – bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem.

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(f) Diet and Meals – all inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement unit, then another item of comparable quality shall be substituted

(g) Canteen Items – inmates in administrative confinement shall be allowed to make canteen purchases once every other week

(h) Counseling Interviews – Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee

(j) Telephone – telephone privileges are allowed for emergency situations, when necessary to ensure the inmate’s access to courts, or in any other circumstance when a call is authorized by the warden or duty warden.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit

(l) Correspondence – inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(m) Writing utensils – inmates in administrative confinement may possess a maximum of four (4) security pens.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless there is an indication of a threat to the safety, security or sanitation of the institution.

(o) Library – only one book at a time may be checked out

(p) Exercise – those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length.

(8) REVIEW OF ADMINISTRATIVE CONFINEMENT

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report after each 30 day period in administrative confinement. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued confinement and the basis for that decision.

(9) ADMINISTRATIVE CONFINEMENT RECORDS

(a) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat.

33-602.221 Section 2a & 2d Pages 1 & 2, 3a-r Pages 2 - 4, 5a & 5b Pages 4 & 5, 8a -c Page 5

(2) PROCEDURES FOR PLACEMENT IN PROTECTIVE MANAGEMENT

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate's safety and security concerns permit.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be interviewed by the housing supervisor and a review shall be initiated to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review will be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is incorporated by reference in subsection (10) of this rule. If the inmate can not be placed for this reason the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved.

(3) PROTECTIVE MANAGEMENT FACILITIES

(a) The number of inmates housed in protective management housing units shall not exceed the number of beds in the cell.

(4) CONDITIONS AND PRIVILEGES

(a) Clothing – inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments.

(b) Bedding and linen – bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Personal Property List, will be completed by security staff and signed by the inmate designating what personal items were removed.

(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented on the Record of Protective Management, Form DC6-235 which must be reviewed by the chief of security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene – inmates in protective management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(f) Diet and Meals – inmates in protective management shall be fed in the dining

room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate.

(g) Canteen Items – inmates in protective management shall be allowed to make canteen purchases the same as general population inmates.

(h) Counseling Interviews – counseling shall be provided to protective management inmates in-cell or out of cell when deemed necessary by mental health staff.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. Visiting shall take place in a separate facility from the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visiting either before or after visiting hours for general population inmates or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C.

(j) Telephone – inmates in protective management shall be allowed to make one call per week of at least 15 minutes. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer reader). An inmate who is provided an auxiliary aid will be allowed access to a certified research aide for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) Correspondence – inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to the general inmate population.

(m) Writing utensils – inmates in protective management shall be allowed to possess pens and pencils of the same type and number as those in general population.

(n) Reading materials – reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in Rule

33-501.401, F.A.C., for inmates in general population are allowed for those inmates in protective management units.

(o) Library – inmates in protective management shall be allowed to visit the library and check out books at least once weekly.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length.

(q) Religious activities – a weekly non-denominational service shall be held for protective management inmates in the chapel.

(r) Self-improvement programs – self-improvement programs shall be available in their housing unit, or in separate locations within the institution that conform with the need for security.

(5) WORK ASSIGNMENTS

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with similar equipment, recreational and otherwise, as those for general population provided that such equipment does not compromise the safety or security of the institution.

(8) REVIEW OF PROTECTIVE MANAGEMENT

(a) The Institutional Classification Team shall review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional.

(c) In addition to the ICT's review as outlined in paragraph (8)(a) above the ICT shall interview each inmate in protective management at least every 30 days and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection and the basis for that decision.

115.51 – Inmate reporting.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy provides for inmate staff reporting procedures. Staff and inmate interviews confirm they have been trained in reporting procedures. All were aware they could privately report an incident. All were aware of the TIPS line for reporting. During the tour the TIPS line number was posted by the phones.

115.51 (a)-1: 33-106.006 Section 2j Page 1 & Section 3j1c Page 2

(j) If the inmate or third party is filing a grievance involving sexual abuse, it shall be clearly stated in the first line of the grievance that it is a grievance related to sexual abuse. Also on Form DC1-303 the third party filer shall check the box next to Third Party Grievance Alleging Sexual Abuse. If this statement is not included in the grievance and if the third party box is not checked, the grievance shall be responded to. This will not be a reason to return the grievance without action to the filer.

(c) Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing grievances alleging sexual abuse. Third parties are also permitted to file such grievances on behalf of inmates.

602.053 Section 3 & 3d Page 9, Section 4a & 4a3 Pages 9 & 10

(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.

(d) 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.

(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.

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, staff sexual harassment of an inmate, or sexual battery to an inmate.

115.52 – Exhaustion of administrative remedies.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Grievance procedure is clearly stated in policy. There were no grievances filed concerning sexual abuse or harassment.

115.52 (a)-1:33-103.005 Section 1 Page 1

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. Inmates may skip this step and initiate the process at the formal institutional level for issues pertaining to the following: grievances regarding allegations of sexual abuse as defined in subsection 33-103.002(17), F.A.C.

33-103.006 Section 2j Page 1, Section 3j1, 31ja-3j1i Pages 2 & 3

(j) If the inmate or third party is filing a grievance involving sexual abuse, it shall be clearly stated in the first line of the grievance that it is a grievance related to sexual abuse. Also on Form DC1-303 the third party filer shall check the box next to Third Party Grievance Alleging Sexual Abuse. If this statement is not included in the grievance and if the third party box is not checked, the grievance shall be responded to. This will not be a reason to return the grievance without action to the filer.

1. If an inmate believes he or she is the victim of sexual abuse they should immediately report it. There are several ways that allegations of sexual abuse may be reported, filing a grievance is one of those ways. If an inmate decides to use the grievance process to report sexual abuse they must complete form DC1-303, Request for Administrative Remedy or Appeal and file within the requirements and guidelines listed below. This rule is established to meet the requirements of the Prison Rape Elimination Act (PREA) of 2003. 28 CFR Part 115.

a. The grievance should begin at the formal level at the institution unless filing pursuant to paragraph 33-103.007(6)(a), F.A.C., or subparagraph 33-103.007(6)(b)5., F.A.C. There is no time limit on when an inmate or third party may initiate a grievance regarding allegations of sexual abuse. However, normal time limits as described in Rule 33-103.011, F.A.C., will apply when the inmate receives the response to the formal grievance and elects to proceed to the next level of review. Staff shall comply with response time requirements outlined in Rule 33-103.011, F.A.C.

b. Inmates filing grievances alleging sexual abuse shall not be instructed to file the grievance to the individual(s) who are the subject(s) of the complaint. Additionally grievances of this nature shall not be referred to the subject(s) of the complaint.

c. Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing grievances alleging sexual abuse. Third parties are also permitted to file such grievances on behalf of inmates.

d. Third parties must use the official Form DC1-303 which can be obtained from subsection (1) of this rule. The form may also be requested from the inmate's current location or the Department's Central Office at 501 South Calhoun Street, Tallahassee FL 32399. On Form DC1-303 the third party filer shall check the box next to Third Party Grievance Alleging Sexual Abuse. Additionally when a third party files a sexual abuse grievance they must complete the information that identifies the inmate on the top of the form and place their signature and the date at the bottom of the form. When completed, a third party filer who is not an inmate, shall mail the form to the attention of the warden at the institution where the inmate is currently housed unless the grievance is filed pursuant to paragraph 33-103.007(6)(a), F.A.C. When the third party filer is an inmate, the grievance shall be submitted pursuant to subsections (8) or (9) of this rule.

e. When third parties initiate a sexual abuse grievance, the inmate will be notified by institutional staff. A staff member shall interview the inmate within 2 business days of receipt of the third party grievance alleging sexual abuse. During this interview the inmate shall elect to allow the grievance to proceed or request that the grievance be stopped by completing the top half of Form DC6-236, Inmate Request, stating whether he elects for the grievance to proceed or be stopped. The institution shall document the inmate's desire to either allow or refuse the grievance to proceed under the response section of Form DC6- 236. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. A copy of the Inmate Request will be placed in the inmate's file. If the inmate refuses to allow the grievance to proceed on their behalf staff will also document the refusal in IGLOGS and designate the grievance as "withdrawn". IGLOGS is the Inspector General Office Log System (Database) that is utilized to store and maintain log numbers, dates, responses, dispositions and other relevant data on all inmate formal grievances and appeals.

f. If the inmate agrees to let the grievance filed by a third party proceed, staff shall log the third party grievance alleging sexual abuse and provide a receipt to the inmate. The response will be provided to the inmate. If the inmate is unsatisfied with the response to the formal grievance they may file an appeal on Form DC1-303. The third party who initiated the formal grievance cannot appeal the decision when it is rendered. Staff shall notify the third party filer of the disposition rendered on the grievance. In accordance with the Health Insurance Portability and Accountability Act, specifics of the case shall not be divulged to the third party.

g. The Department shall claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision due to the need for additional investigation. The inmate shall be notified in writing of the extension and a date by which a decision will be made.

g. An inmate may file an emergency grievance if they believe they are subject to a substantial risk of imminent sexual abuse.

(c)

i. When receiving an emergency grievance from an inmate expressing belief they are subject to a substantial risk of imminent sexual abuse the institution must take immediate corrective action. Staff handling this grievance shall provide an immediate response within 48 hours and shall issue a final decision within 5 calendar days from the receipt of the grievance. The final decision will document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

115.53 – Inmate access to outside confidential support services.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

MTC/Gadsden has a contract with Refuge House in Tallahassee, to provide outside support services.

115.54 – Third-party reporting.

Complaints can be filed on the DC web site or by calling the TIPS line. Inmates may also use the Grievance Process.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Complaints can be filed on the DC web site or by calling the TIPS line. Inmates may also use the Grievance Process.

115.54 (a)-1: 33-103.006 Section 3j1c-3j1f Pages 2 & 3

c. Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing grievances alleging sexual abuse. Third parties are also permitted to file such grievances on behalf of inmates.

d. Third parties must use the official Form DC1-303 which can be obtained from subsection (1) of this rule. The form may also be requested from the inmate's current location or the Department's Central Office at 501 South Calhoun Street, Tallahassee FL 32399. On Form DC1-303 the third party filer shall check the box

next to Third Party Grievance Alleging Sexual Abuse. Additionally when a third party files a sexual abuse grievance they must complete the information that identifies the inmate on the top of the form and place their signature and the date at the bottom of the form. When completed, a third party filer who is not an inmate, shall mail the form to the attention of the warden at the institution where the inmate is currently housed unless the grievance is filed pursuant to paragraph 33-103.007(6)(a), F.A.C. When the third party filer is an inmate, the grievance shall be submitted pursuant to subsections (8) or (9) of this rule.

e. When third parties initiate a sexual abuse grievance, the inmate will be notified by institutional staff. A staff member shall interview the inmate within 2 business days of receipt of the third party grievance alleging sexual abuse. During this interview the inmate shall elect to allow the grievance to proceed or request that the grievance be stopped by completing the top half of Form DC6-236, Inmate Request, stating whether he elects for the grievance to proceed or be stopped. The institution shall document the inmate's desire to either allow or refuse the grievance to proceed under the response section of Form DC6-236. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

A copy of the Inmate Request will be placed in the inmate's file. If the inmate refuses to allow the grievance to proceed on their behalf staff will also document the refusal in IGLOGS and designate the grievance as "withdrawn". IGLOGS is the Inspector General Office Log System (Database) that is utilized to store and maintain log numbers, dates, responses, dispositions and other relevant data on all inmate formal grievances and appeals.

f. If the inmate agrees to let the grievance filed by a third party proceed, staff shall log the third party grievance alleging sexual abuse and provide a receipt to the inmate. The response will be provided to the inmate. If the inmate is unsatisfied with the response to the formal grievance they may file an appeal on Form DC1-303. The third party who initiated the formal grievance cannot appeal the decision when it is rendered. Staff shall notify the third party filer of the disposition rendered on the grievance. In accordance with the Health Insurance Portability and Accountability Act, specifics of the case shall not be divulged to the third party.

§115.61 – Staff and agency reporting duties.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Department requires all staff to report immediately and any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurs in the institution. This was verified during the staff and inmate interviews. All allegations are reported to the Inspector General via the MINS reporting system, All staff interviewed were aware they were not to reveal information to anyone other than those necessary.

115.61 (a)-1: 602.053 Section 11 Page 14

(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.

115.62– Agency protection duties.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates may be voluntary or involuntary placed in Administrative Confinement for Protective Purposes. Procedures are in place for placement.

115.62 (a)-1: 33-602.220 Section 2a & 2b Page 1, 3c, 3c3, 3cf, 3c3g Page 3, 4d Page 4, 5a-p Pages5 & 6, 8c Page 8, 9a Page 8

(2) PROCEDURES FOR PLACEMENT IN ADMINISTRATIVE CONFINEMENT:

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) as a means of promoting the security, order and effective management of the institution. Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter.

(3) REASONS FOR PLACEMENT IN ADMINISTRATIVE CONFINEMENT WITH TIME LIMITS. PLACEMENT OF AN INMATE IN ADMINISTRATIVE CONFINEMENT IS AUTHORIZED FOR THE FOLLOWING REASONS:

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (Rule 33-602.221, F.A.C.). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other

reasonable alternative open to him. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available.

The following elements shall be considered in determining whether protective management is necessary:

- f. Reliable, confirmed evidence of sexual harassment;
- g. Other factors such as physical size, build and age producing a risk from the general inmate population.

(4) ADMINISTRATIVE CONFINEMENT FACILITIES:

(d) The administrative confinement cells shall be physically separate from other confinement cells and the cell doors will feature remotely controlled locking devices, whenever possible given the physical design of the facility, and the number of inmates housed in administrative confinement shall not exceed the number of bunks in the cell.

(5) CONDITIONS AND PRIVILEGES:

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution.

(b) Bedding and linen – bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem.

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(f) Diet and Meals – all inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement unit, then another item of comparable quality shall be substituted.

(g) Canteen Items – inmates in administrative confinement shall be allowed to make canteen purchases once every other week. Items sold to administrative confinement inmates shall be restricted when reasonably necessary for institutional safety and security.

(h) Counseling Interviews – Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee.

(j) Telephone – telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden or duty warden.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit.

(l) Correspondence – inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(m) Writing utensils – inmates in administrative confinement may possess a maximum of four (4) security pens.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless there is an Indication of a threat to the safety, security or sanitation of the institution.

(o) Library – only one book at a time may be checked out. Books shall be checked out once weekly and inmates may possess no more than one soft-back book at any given time.

(p) Exercise – those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors.

(8) REVIEW OF ADMINISTRATIVE CONFINEMENT:

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report after each 30 day period in administrative confinement.

(9) ADMINISTRATIVE CONFINEMENT RECORDS:

(a) Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat.

602.053 Section 2b5 Page 7, 3c Page 9, 4a & 4a2 Pages 9 & 10

(b) **Staff:**

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.

(3) REPORTING:

(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.

(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.

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.

115.63– Reporting to other confinement facilities.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Should an institution receive information that a sexual abuse or harassment occurred at another institution the receiving institution is to report via the MINS system to the Inspector General's Office.

115.63(a)-1: 602.053 Section 4a7 Page 10

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.

115.64– Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Training records and staff interviews confirms the staff is trained as first responders.

**115.64(a)-1: 108.015 Section 7b, 7e, 7g-l Page 5, 7r & 7u Page 6
(7) INCIDENTS ON INSTITUTIONAL GROUNDS:**

- (b) Correctional personnel shall separate the alleged victim and suspect.
- (e) The OIC shall ensure that the crime scene is secure and remains undisturbed until released to a responding Inspector or other law enforcement authority.
- (g) The OIC shall ensure that the victim inmate is instructed not to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.
- (h) No inmate who is suspected of having been involved in a sexual battery or sexual misconduct shall be permitted or assisted to clean blood, saliva, or other evidence from her/his person, except as may be necessary for medical purposes. The suspect inmate(s) shall not be permitted to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.

(i) No crime scene in which evidence exists shall be cleaned, disturbed, transited, or manipulated in any manner until released by a responding Inspector or other law enforcement authority.

(r) The OIC shall ensure, without delay, a suspect inmate of a sexual battery or sexual misconduct is secured and does not wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or take any action to that could destroy physical evidence. After checking with an Inspector or other law enforcement authority, the clothing worn by the suspect should be taken into evidence in accordance with "Prison Rape: Prevention, Detection and Response," Procedure 602.053.

(u) The OIC or Incident Commander shall ensure:

1. any weapon or evidence suspected of being involved in a sexual battery or sexual misconduct is preserved,
2. that a "Chain of Custody," DC1-801 is created and maintained, and
3. the evidence is provided to the responding Inspector or other law enforcement personnel as soon as possible and with minimal handling so as to preserve any latent or forensic evidence contained thereon.

602.053 Section 4a4 Page 10

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.

115.65 – Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has a plan coordinating actions taken by security staff and the medical staff. The plan includes the reporting for investigation and chain of evidence preservation of evidence.

115.65(a)-1: 602.053 Section 4a, Page 9, 4a3 Page 10, 5a-i Pages 11 & 12, 6, 6c, 6f1 & 6f4 Pages 12 & 13

(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.

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, staff sexual harassment of an inmate, or sexual battery to an inmate.

(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) Staff from the Office of the Inspector General will collect evidence as appropriate; and the Panhandle Nurse Forensic Specialist's SART will collect the clothing the inmate was wearing at the time of the sexual battery if the inmate is still wearing them.
- (e) **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.**
- (f) 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.
- (g) 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
- (h) Medical staff will ensure the "Alleged Sexual Battery Protocol," DC4-683M documents the above actions completely and accurately as they have occurred and will maintain it in the medical record.
- (i) 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.

(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.

(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.

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.

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.

§115.66 – Preservation of ability to protect inmates from contact with abusers.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The security agreement effective January 14, 2015 covers the discipline of staff on Page 13 article 7. Procedure 205.002 covers Contractors.

Procedure 205.002 page 15

- (a) **(PREA):** All new and renewed contracts will be identified as PREA covered contracts when appropriate. These contracts will include the following language to ensure compliance with 28 C.F.R. Part 115, “The contract/vendor(s) will comply with the national standards to prevent, detect, and respond to prison rape under the Prison Rape Elimination Act (PREA), Federal Rule 28 C.F.R. Par 115. The contractor/vendor(s) will also comply with all of the Florida Department of Corrections’ (FDC) policies and procedures that relate to PREA.”

115.67 – Agency protection against retaliation.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Chief of Security is designated as responsible individual to monitor retaliation for ninety days after any reported incident.

115.67 (a)-1: 602.053 Section 3c Page 9, 4a & 4a6 Pages 9 & 10

(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.

- (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.

(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.

6. Inmates and/or staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will be monitored for retaliation for at least ninety (90) days.

(a) Conduct, treatment, and changes in demeanor will be monitored along with periodic status checks.

(b) If an inmate is transferred, it is the receiving facility’s responsibility to continue monitoring that inmate for retaliation for the ninety (90) day period.

115.68 - Post-allegation protective custody.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy is in place for post allegation protective measures. Should a inmate be placed in administrative confinement they are seen every seven days by classification staff. Every effort is made to remove the inmate from administrative confinement in less than 30 days.

115.68 (a)-1: 33- 602.220 Section 2a & 2b Page 1, 3c, 3c3, 3cf, 3c3g Page 3, 4d Page 4, 5a-p Page 5 & 6, 8c Page 8

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit condition and privileges as provided in subsection (5) as a means of promoting the security, order and effective management of the institution. Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (Rule 33-602.221, F.A.C.). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available.

The following elements shall be considered in determining whether protective management is necessary:

f. Reliable, confirmed evidence of sexual harassment;

g. Other factors such as physical size, build and age producing a risk from the general inmate population.

(4) ADMINISTRATIVE CONFINEMENT FACILITIES

(d) The administrative confinement cells shall be physically separate from other confinement cells and the cell doors will feature remotely controlled locking devices, whenever possible given the physical design of the facility, and the number of inmates housed in administrative confinement shall not exceed the number of bunks in the cell.

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution

(b) Bedding and linen – bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically needed or prescribed items as is

permitted general population inmates unless there is an indication of a security problem.

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(f) Diet and Meals – all inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement unit, then another item of comparable quality shall be substituted

(g) Canteen Items – inmates in administrative confinement shall be allowed to make canteen purchases once every other week

(h) Counseling Interviews – Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee

(j) Telephone – telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden or duty warden.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit

(l) Correspondence – inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(m) Writing utensils – inmates in administrative confinement may possess a maximum of four (4) security pens.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless there is an indication of a threat to the safety, security or sanitation of the institution.

(o) Library – only one book at a time may be checked out

(p) Exercise – those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length.

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report after each 30 day period in administrative confinement.

(9) ADMINISTRATIVE CONFINEMENT RECORDS:

(a) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat.

33-602.221 Section 2a Page 1, 2d Page 2, 3a Page 2, 4a-4 Pages 2-4, 5a Page 4, 5b Pages 4-6, 8a-c Page 5

(2) PROCEDURES FOR PLACEMENT IN PROTECTIVE MANAGEMENT

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate's safety and security concerns permit.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be interviewed by the housing supervisor and a review shall be initiated to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review will be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is incorporated by reference in subsection (10) of this rule. If the inmate can not be placed for this reason the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved.

(3) PROTECTIVE MANAGEMENT FACILITIES

(a) The number of inmates housed in protective management housing units shall not exceed the number of beds in the cell.

(4) CONDITIONS AND PRIVILEGES

(a) Clothing – inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments.

(b) Bedding and linen – bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Personal Property List, will be completed by security staff and signed by the inmate designating what personal items were removed.

(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items and other medically needed or prescribed

items as is permitted general population inmates unless there is an indication of a security problem. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented on the Record of Protective Management, Form DC6-235 which must be reviewed by the chief of security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene – inmates in protective management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. As a minimum each inmate in protective management shall shower at least three times per week or every day that an inmate works.

2. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate.

(g) Canteen Items – inmates in protective management shall be allowed to make canteen purchases the same as general population inmates.

(h) Counseling Interviews – counseling shall be provided to protective management inmates in-cell or out of cell when deemed necessary by mental health staff.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. Visiting shall take place in a separate facility from the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visiting either before or after visiting hours for general population inmates or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C.

(j) Telephone – inmates in protective management shall be allowed to make one call per week of at least 15 minutes. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not

present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer reader). An inmate who is provided an auxiliary aid will be allowed access to a certified research aide for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) Correspondence – inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to the general inmate population.

(m) Writing utensils – inmates in protective management shall be allowed to possess pens and pencils of the same type and number as those in general population.

(n) Reading materials – reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., for inmates in general population are allowed for those inmates in protective management units.

(o) Library – inmates in protective management shall be allowed to visit the library and check out books at least once weekly.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length.

(q) Religious activities – a weekly non-denominational service shall be held for protective management inmates in the chapel.

(r) Self-improvement programs – self-improvement programs shall be available in their housing unit, or in separate locations within the institution that conform with the need for security.

(5) WORK ASSIGNMENTS

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with similar equipment, recreational and otherwise, as those

for general population provided that such equipment does not compromise the safety or security of the institution.

(8) REVIEW OF PROTECTIVE MANAGEMENT

(a) The Institutional Classification Team shall review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional.

(c) In addition to the ICT's review as outlined in paragraph (8)(a) above the ICT shall interview each inmate in protective management at least every 30 days and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection and the basis for that decision.

602.053 Section 2b5 Page 7, 3c Page 9, 4a & 4a2 Pages 9 & 10

STAFF

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.

REPORTING

(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.

(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.

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.

115.71 – Criminal and administrative agency investigations.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Investigations are conducted by the Inspector General’s Office. The Inspector will be a support staff should an outside investigator be working the case (FDLE, County Sheriff’s Office).

IG staff has received Train the Trainer from the Moss Group. All staff has been PREA trained for investigating sexual abuse and harassment cases. There are 121 IC Inspectors state wide.

115.71(a)-1: 108.003 Section 1a, 1b, & 1d Pages 7 & 8, 5a Page 11, 5k Page 13, 7a & 7b Page 14, 7j Page 16, 10a Page 17, 13a, 13b, 13f, 13g & 13j-l Pages 18-20

(1) RESPONSIBILITY:

- (a) The OIG shall be responsible for the investigation of civil, criminal, and administrative matters relating to the Department and within the jurisdiction of the Department.
- (b) All investigations shall be conducted in accordance with all applicable constitutional, statutory, code, rule, procedure, and other authority, including union or bargaining unit requirements
- (d) All employees of the OIG shall comply with all provisions of any established memorandum of understanding or similar agreement between the Department and any outside law enforcement or regulatory agency or authority.

(5) CRIMINAL INVESTIGATIONS – INSPECTOR SUPERVISOR RESPONSIBILITY:

- (e) The Inspector Supervisor or higher authority shall close all criminal investigations with one of the following dispositions for each violation:
 1. Cleared by Arrest,
 2. Exceptionally Cleared,
 3. Open-Inactive, or
 4. Unfounded

(k) The inspector shall collect and handle all evidence in a manner to ensure preservation and presentation for forensic analysis.

(8) ADMINISTRATIVE INVESTIGATIONS - GENERAL:

(a) Any administrative investigation in which the subject is a Law Enforcement Officer, Correctional Officer, or Correctional Probation Officer as defined in section 112.531(2), F.S., shall be conducted pursuant to sections 112.531-112.534, F.S.

(b) Administrative investigations shall be completed within sixty (60) days from the date of assignment. A thirty (30) day extension may be approved by an Inspector Supervisor. After the first thirty (30) day extension, the Chief of Investigations or her/his designee may approve further extensions. For a case in which an extension has been granted for past ninety (90) days from the date of assignment, the Inspector shall file a status report with the Chief of Investigations or her/his designee every thirty (30) days until the case is closed or no longer being actively investigated.

(j) The Inspector Supervisor or higher authority shall close all administrative investigations with one of the following dispositions for each violation:

1. Sustained,
2. Partially Sustained,
3. Not Sustained,
4. Exonerated,
5. Unfounded, or
6. Policy Deficiency.

(9) ADMINISTRATIVE INVESTIGATIONS - INSPECTOR RESPONSIBILITY:

(a) Prior to commencing an interview, an Inspector shall advise the individual being interviewed that the investigation is an administrative investigation.

(10) CONTRACT INVESTIGATIONS:

(a) The Inspector General or her/his designee shall notify the CIG of any investigation involving a transaction, contract, contractor, vendor, or other entity doing business with the state.

(13) PRIVATE PRISONS:

(a) The OIG shall have primary jurisdiction of the investigation of violations of criminal law occurring at any private prison, except those being conducted by other state or federal law enforcement agencies.

(b) The OIG shall have primary jurisdiction of the investigation of violations of applicable Florida Administrative Code and Department procedure occurring at any private prison.

(f) The OIG shall be permitted full and immediate access at all times, with or without notice, to all inmates, offenders, staff, volunteers, visitors, physical areas of the private prison, and any conveyance that transports inmates or offenders. Employees, staff members, volunteers, or contract employees for any private prison or transport service shall not in any manner or action delay, obstruct, or otherwise restrict OIG access to any inmate, offender, staff, volunteer, visitor, physical area of the any private prison, or any conveyance that transports inmates or offenders.

(g) The OIG shall be permitted to consult and confer with any inmate, staff, volunteer, or visitor privately and without molestation or delay. Management representatives of private prisons or their designees shall refrain from taking any retaliatory action against any inmate, offender, staff, volunteer, or visitor as a result of the inmate, offender, staff, volunteer, or visitor's consultation or conference with the OIG.

(j) The OIG shall be permitted online and onsite visits during any administrative or criminal investigation, inquiry, audit, review, or inspection conducted by the OIG or by the OIG in conjunction with any local, state, or federal law enforcement or regulatory agency or authority. Online and onsite access includes, but is not limited to, physical and virtual access to any and all mainframes, servers, clients, network devices, intrusion prevention systems, and external and internal security scans of those resources.

(k) Management representatives of private prisons or their designees shall provide to the OIG upon request any and all operating system logs generated by mainframes, servers, clients, network devices, intrusion prevention systems, and external and internal security scans of those resources.

(l) Management representatives of private prisons or their designees shall provide to the OIG upon request access to or copies of any recorded telephone call, telephone call logs, or other related documents or records, regardless of form, made by an inmate or offender housed, treated, educated, or otherwise serviced by the private prison.

108.015 Sections 2-3 Page 4, 7a-c, 7e, 7g-l, 7m, 7p, 7r, 7u Pages 4-6, 8a-c, 8g & 8i Page 6, 9a-d, 9g & 9h Pages 7 & 8, 10a-c Page 9, 12a Page 10, 13 Page 10, 15a-c Pages 10&11

SPECIFIC PROCEDURES AND GUIDELINES:

1. The Office of the Inspector General shall, except pursuant to the terms of any valid Memorandum of Understanding (MOU) or protocol with any other law enforcement agency, or instances that occur at community corrections offices, be the primary investigative unit of all sexual battery allegations occurring on Department property.

2. The Office of the Inspector General shall, except pursuant to the terms of any valid Memorandum of Understanding (MOU) or protocol with any other law

enforcement agency, be the primary investigative unit of all sexual misconduct allegations occurring on Department property.

6. Whenever a sexual battery or sexual misconduct contemplated by this procedure occurs, the Emergency Action Center (EAC) shall be notified without unnecessary delay. The OIC or the Incident Commander shall ensure that any sexual battery or sexual misconduct is reported via MINS after notification to EAC.

(7) INCIDENTS ON INSTITUTIONAL GROUNDS:

(b) Correctional personnel shall separate the alleged victim and suspect.

(e) The OIC shall ensure that the crime scene is secure and remains undisturbed until released to a responding Inspector or other law enforcement authority.

(g) The OIC shall ensure that the victim inmate is instructed not to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.

(h) No inmate who is suspected of having been involved in a sexual battery or sexual misconduct shall be permitted or assisted to clean blood, saliva, or other evidence from her/his person, except as may be necessary for medical purposes. The suspect inmate(s) shall not be permitted to wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or change clothes until authorized by an Inspector or other law enforcement authority.

(i) No crime scene in which evidence exists shall be cleaned, disturbed, transited, or manipulated in any manner until released by a responding Inspector or other law enforcement authority.

(r) The OIC shall ensure, without delay, a suspect inmate of a sexual battery or sexual misconduct is secured and does not wash, bathe, eat, drink, smoke, brush her/his teeth, use the toilet, or take any action to that could destroy physical evidence. After checking with an Inspector or other law enforcement authority, the clothing worn by the suspect should be taken into evidence in accordance with "Prison Rape: Prevention, Detection and Response," Procedure 602.053.

(u) The OIC or Incident Commander shall ensure:

1. any weapon or evidence suspected of being involved in a sexual battery or sexual misconduct is preserved,

2. that a "Chain of Custody," DC1-801 is created and maintained, and

3. the evidence is provided to the responding Inspector or other law enforcement personnel as soon as possible and with minimal handling so as to preserve any latent or forensic evidence contained thereon.

(8) INCIDENTS ON DEPARTMENT PROPERTY OTHER THAN INSTITUTIONAL GROUNDS:

(a) Correctional personnel shall ensure all victims and other injured persons are provided appropriate first aid, and that, as appropriate, emergency medical services are summoned.

(b) The senior ranking Department employee present shall ensure that the crime scene is secure and remains undisturbed until released to a responding Inspector or other law enforcement authority.

(c) No crime scene in which evidence exists shall be cleaned, disturbed, transited, or manipulated in any manner until released by a responding Inspector or other law enforcement authority.

(g) The only non-Department personnel permitted to enter a crime scene involving a sexual battery or sexual misconduct are those from other sworn law enforcement staff, or law enforcement support personnel (e.g., forensic officer, firefighters, and emergency medical personnel).

(i) The senior ranking Department employee on scene shall ensure:

1. any weapon or evidence suspected of being involved in a sexual battery or sexual misconduct is preserved, not molested or disturbed; and

2. a DC1-801 is created and maintained and the evidence is provided to the responding Inspector or other law enforcement personnel as soon as possible and with minimal handling so as to preserve any latent or forensic evidence contained thereon.

(9) INSPECTOR RESPONSIBILITIES:

(a) The initial Inspector to arrive at the scene of the crime shall be the primary Inspector unless otherwise designated by the Inspector Supervisor.

(b) An Inspector investigating a sexual battery or sexual misconduct with injury shall:

1. respond to the scene and immediately contact the OIC;

2. coordinate crime scene access and control with the OIC;

3. if a forensic evidence technician is unavailable, assume responsibility for the proper collection, retention, and maintenance of physical evidence and all accompanying chains of custody;

4. conduct any necessary preliminary interviews of the victim, if applicable, and witnesses, as appropriate (a preliminary interview may be a verbal interview or a written statement);

5. in the case of sexual battery, in accordance with Florida law (section 794.052, F.S.), verify the victim obtains medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services;

6. ensure the **incarcerated victim** has received the brochure "Sexual Abuse Awareness," 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 s/he chooses to. If the inmate has not received notification and the brochure, prior to any exam or interview, the Inspector will give the inmate one, advise them appropriately, and document such in the interview;

7. ensure any **staff or non-incarcerated victim** is provided the “Sexual Battery” brochure of the legal rights and remedies available to a victim on the standard form developed and distributed by the Florida Council Against Sexual Violence in conjunction with the Department of Law Enforcement and advise that s/he may contact a certified rape crisis center from which the victim may receive services;
8. During the victim review of the final Investigative Report process, ensure the victim, as applicable, is provided with the appropriate “Victims Rights Brochure,” DC1-832, (to inmate victim) or the “Victims Rights Brochure,” NI1-039 (to non inmates);
9. if as a result of the interview with the victim, physical evidence of alleged battery or misconduct may exist on the victim, request a sexual assault examination and evidence kit be conducted by a SANE or SART;
10. ensure photos are taken of any physical injuries of the victim (e.g., bruises or cuts);
11. identify and locate all witnesses to the crime and obtain all necessary biographical and contact information; and
12. present any affidavit and accompanying warrant through the OIG chain of command prior to the presentation to a Judge, unless exigent circumstances exist which require the immediate processing and execution in order to obtain or preserve critical evidence.

(c) The departure of the alleged suspect or victim from the employment or control/supervision of the Department shall not provide a basis for terminating an investigation.

(d) Any Inspector conducting a criminal investigation and questioning a suspect shall at all times follow the directives of *Miranda*.

(g) In all instances of investigating sexual battery, sexual misconduct, or sexual harassment, the case Inspector shall ensure that a PREA number has been assigned to the complaint and is recorded in the case report and in IGIIS and the incident was reported in MINS.

(h) If the Inspector or OIG field office is taking the initial complaint of sexual battery, sexual misconduct, or sexual harassment, the Inspector or Inspector Supervisor shall ensure EAC is notified and a PREA number is issued and the complaint is reported in MINS.

(11) SEXUAL HARASSMENT:

(c) All allegations of staff on inmate sexual harassment shall be investigated by the Office of the Inspector General. None shall be referred to management.

(d) If there is no criminal predicate, the investigation shall be investigated as an administrative case.

(e) An Inspector investigating an allegation of sexual harassment shall:

1. interview the victim;
2. identify and interview witnesses; and

3. complete the investigation in accordance with “Investigative Process,” Procedure 108.003, and complete the appropriate investigative or inquiry summary report.

(12) ADMINISTRATIVE INVESTIGATIONS:

(a) During investigation into sexual battery, sexual abuse, sexual misconduct, or sexual harassment allegations, Inspectors shall include an effort to determine whether staff actions or failure to act contributed to the abuse and report any violations of rules or procedures.

(13) USE OF VOICE STRESS ANALYSIS OR POLYGRAPH:

In all instances of investigating sexual battery, sexual misconduct, sexual abuse or sexual harassment, the case Inspector shall not make a request of the victim to submit to a voice stress analysis or polygraph examination.

(16) SPECIALIZED TRAINING INVESTIGATIONS:

(d) In addition to the general training provided to all employees pursuant to section 115.31, F.S., the Department shall ensure that Inspectors have received training in the conducting of such investigations in confinement settings.

(e) Specialized training shall include:

5. techniques for interviewing sexual abuse victims,
6. appropriate application of *Miranda* and Garrity warnings,
7. sexual abuse evidence collection in confinement settings, and
8. the criteria and evidence required to substantiate a case for prosecution referral.

(f) The Department shall maintain documentation that Inspectors have completed the required specialized training in conducting sexual abuse investigations. Training documentation shall be maintained by the Bureau of Staff Development and Training.

115.72 – Evidentiary standards for administrative investigations.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiate.

115.72(a)-1: 108.003 Section 14 in definitions Page 6 & 8j Page 16

(44) Preponderance of Evidence refers to the greater weight of evidence, not necessarily established by the greater number of witnesses testifying to a fact, but by evidence that has the most convincing force; superior evidentiary weight that although not sufficient to free the mind wholly from all reasonable doubt, remains sufficient to incline a fair and impartial mind to one side of the issue rather than the other; evidence which indicates the behavior, action, or incident more likely occurred than did not.

(j) The Inspector Supervisor or higher authority shall close all administrative investigations with one of the following dispositions for each violation:

1. Sustained,
2. Partially Sustained,
3. Not Sustained,
4. Exonerated,
5. Unfounded, or
6. Policy Deficiency.

115.73 – Reporting to inmates.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Interviews confirm the inmate is advised of the outcome of the investigation.

115.73(a)-1: 108.015 11a-d Page 9

(12)REPORTING INVESTIGATIVE FINDINGS TO VICTIMS:

(a) At the conclusion of a sexual battery investigation, the Inspector shall afford the victim the opportunity to review the report once it has been approved by a Supervisor.

(b) The case Inspector shall notice any victim inmate if an allegation against a staff member for sexual battery, sexual misconduct, or sexual harassment (administrative or criminal) is exonerated, sustained, partially sustained, not sustained, or unfounded.

(c) Victims of any sexual battery shall be permitted to review the final report and provide a statement as to the accuracy prior to it being finalized pursuant to section 794.052, F.S.

(d) The case Inspector, Inspector Supervisor or designee shall notice any victim inmate the following pertaining to an allegation of sexual battery or sexual misconduct (unless the allegation is unfounded):

1. when the Department learns the alleged abuser has been indicted on a charge related to sexual abuse; or
2. when the Department learns that the alleged abuser was convicted on a charge related to sexual abuse.

602.053 Section 9 Page 13

(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.

115.76 – Disciplinary sanctions for staff.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Florida Administrative Code 208 is the Disciplinary Procedure followed by the Department.

115.76 (a)-1 33-208.003 Section 6, 13, & 20

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, suspension, reduction in pay, demotion or dismissal.

| Offense or Deficiency | First Occurrence | Second Occurrence | Third Occurrence | Fourth Occurrence |
|---|---------------------------|--|---------------------------------------|-------------------|
| | Oral or Written Reprimand | Written Reprimand or up to 10 day Suspension | Up to 30 days Suspension or dismissal | Dismissal |
| (6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision | Same | Same | Same | Same |

| | | | | |
|---|--|------------------|--|--|
| | Written Reprimand, up to 30 days Suspension or Dismissal | Dismissal | | |
| (13) Negligence | Same | Same | | |
| (18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter | Written Reprimand, up to 30 days of Suspension or Dismissal | Dismissal | | |
| (20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate | Same | Same | | |

208.039 Section 4a & 4b Pages 5 & 6, 5a-5f & 5g Pages 6 & 7, 7b-c, 8a Page 8

(4) DISCIPLINARY ACTIONS:

The authority to approve disciplinary actions is formally delegated to the specified disciplining authority by the Secretary. Disciplinary action should be requested and issued in a timely manner in accordance with statutes, rules, policy, procedures, the Guide to Counseling and Discipline, and applicable collective bargaining agreements.

(a) The Department uses the following disciplinary actions:

1. **“Oral Reprimand (Non-SSU Employees Only),” DC2-8009:** An oral reprimand is the least severe form of discipline. A DC2-8009 places an employee on notice that s/he has violated a specific rule of conduct, and the corrective action expected.
2. **“Written Reprimand (All Employees),” DC2-8010:** A written reprimand places an employee on official notice that s/he has violated a specific rule(s) of conduct and must take specific corrective action.
3. **Suspension:** A suspension is a severe form of disciplinary action taken against an employee placing her/him on leave without pay. A “Suspension Notification (Security Services Unit Employees Only),” DC2-8012, must be completed for SSU employees with permanent status when a suspension is issued to the employee.
4. **Involuntary Transfer:** Is a severe form of disciplinary action which reassigns/transfers an employee to a position more than fifty (50) miles by highway from the employee’s current work location as a result of an infraction of statute, rule, or procedure.
5. **Demotion:** A demotion is a severe form of disciplinary action placing an employee into a class with a lower maximum salary and a lower level of responsibility as a result of an infraction of statute, rule, or procedure. (A demotion may also result in a pay adjustment or reduction.)
6. **Reduction in Pay:** Reduction in pay is a severe form of disciplinary action that does not involve placing an employee into a class with a lower level of responsibility but does reduce the employee’s rate of pay in her/his present position as a result of an infraction of statute, rule or procedure.
7. **Dismissal:** Dismissal is the most severe form of disciplinary action and results in termination of employment.

(b) Decision(s) regarding disciplinary action will be based on the following:

1. the seriousness of the violation(s);
2. the employee's work history, including job performance and length of service;
3. any aggravating or mitigating circumstances; and
4. whether the present violation is a subsequent occurrence of the same or similar violation.

(5) REQUESTING DISCIPLINARY ACTIONS:

(a) This procedure will be followed for all disciplinary actions that are taken based on administrative documentation, such as:

1. incident reports,
2. case reviews and audits, and/or
3. reports of unscheduled absences, etc.

(f) Employees who have not attained permanent status shall be subject to any personnel action, including but not limited to suspensions, dismissal, reductions in pay, demotions, or reassignment without the right to appeal or grieve and without prior notice.

(g) Employees who have not attained permanent status may be dismissed at will. These employees need only be advised in writing of the personnel action to be taken and the effective date of said notion.

(7) DISCIPLINARY ACTIONS RESULTING FROM INVESTIGATIONS CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL (OIG):

If an official investigation conducted by the OIG sustains the charges made against an employee, appropriate disciplinary action will be taken in the following manner:

(b) The disciplining authority will review the investigative report. An investigative report completed in response to a complaint of discrimination will be reviewed by the OGC in addition to the above.

(c) If disciplinary action, up to and including dismissal, will be considered as a result of the investigative findings, the disciplining authority will follow the Guide to Counseling and Discipline.

(8) EXTRAORDINARY DISMISSALS:

In certain extraordinary circumstances, permanent status employees may be dismissed immediately, without ten (10) calendar days' prior notice of such action.

(a) The Department of Management Services rules and Florida Statutes permit extraordinary dismissals when an employee's retention would:

1. result in damage to property;
2. be detrimental to the best interests of the Department; and/or
3. result in injury to the employee, coworkers, or other persons.

115.77 – Corrective action for contractors and volunteers.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All contractors and volunteers are subject to the policies of the Department of Corrections.

Procedure 205.002 page 15 paragraph 4 section (f)

- (b) **(PREA):** All new and renewed contracts will be identified as PREA covered contracts when appropriate. These contracts will include the following language to ensure compliance with 28 C.F.R. Part 115, "The contract/vendor(s) will comply with the national standards to prevent, detect, and respond to prison rape under the Prison Rape Elimination Act (PREA), Federal Rule 28 C.F.R. Par 115. The contractor/vendor(s) will also comply with all of the Florida Department of Corrections' (FDC) policies and procedures that relate to PREA."

115.78 – Disciplinary sanctions for inmates.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Formal Disciplinary Procedures are in place. Reports of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**115.78 (a)-1: 33-601.301
33-601.301 Inmate Discipline - General Policy.**

(1) In order that inmates might live in a safe and orderly environment, inmates whose behavior is in noncompliance with department rules shall be corrected through preventative discipline techniques or the disciplinary process.

33-601.314

| SECTION 1 ASSAULT, BATTERY, THREATS, AND DISRESPECT | Maximum Disciplinary Actions |
|--|------------------------------|
| 1-5 Sexual battery or attempted sexual battery | 60 DC + All GT |
| 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 | 60 DC + 90 GT |
| PREA AUDIT: AUDITOR'S SUMMARY REPORT 6 | |

| | |
|--|----------------|
| of a staff member, contracted staff member or visitor | |
| 9-1 Obscene or profane act, gesture, or statement – oral, written, or signified | 30 DC + 90 GT |
| 9-7 Sex acts or unauthorized physical contact involving inmates | 30 DC + 90 GT |
| 9-35 Establishes or attempts to establish a personal or business relationship with any staff member or volunteer. | 60 DC + 180 GT |

115.81 - Medical and mental health screenings; history of sexual abuse.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

There were no reports of prior victimization or previous perpetrated sexual abuse. There are logs in place to track and report such incidents should prior incidents be reported.

115.81(a)-1: 602.053 Section 6c-f Pages 12 & 13

(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).

115.82 - Access to emergency medical and mental health services.

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All staff is trained as first responders. They take the preliminary steps to protect the victim. They notify the shift supervisor who immediately notifies medical staff. Health care staff are present twenty four hours seven days per week. There is no cost to the victim for health care.

115.82(a)-1: 401.010 Section 1d9 Page 3

(d) Waiver of co-payment may be granted if the health care visit:

9. is a Prison Rape Elimination Act (PREA) incident involving sexual abuse or sexual battery.

602.053 Section 6c-f Pages 12 & 13

(6) MEDICAL AND MENTAL HEALTH CARE:

(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 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 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.

115.83 - Ongoing medical and mental health care for sexual abuse victims and abusers.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Ongoing medical and mental care is provided to sexual abuse victims and abusers who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The evaluation and treatment of victims includes, follow-up services, treatment plans, and, referrals for continued care following their transfer to, other facilities, or their release from custody. The care is provided at no cost for PREA related incidents.

115.83(a)-1: 401.010 Section 1d9 Page 3

(d) Waiver of co-payment may be granted if the health care visit:

9. is a Prison Rape Elimination Act (PREA) incident involving sexual abuse or sexual battery.

(6) MEDICAL AND MENTAL HEALTH CARE:

(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.

115.86 – Sexual abuse incident reviews.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Assistant Warden Programs/PREA Manager, Chief of Security, and Classification Supervisor. At a minimum the team also gets input from the shift captain, IG investigator and medical staff.

115.86(a)-1: 602.053 Section 12 Page 14

(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, and Classification Supervisor. The team will also obtain input via reports from line supervisors, investigators, and medical or mental health practitioners. They shall review all allegations. The only allegations that will not be reviewed by this SAIRC team, will be allegations that are 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.

115.87 – Data collection.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The data is collected from the Management Information Notification System (MINS). Every incident is reported using the MINS reporting system.

115.87(a)-1: 602.053 Section 7 Page 13

(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.

115.88 – Data review for corrective action.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Procedure 602.053 Page 13

- (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.

115.89 – Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Up to date survey information is submitted by Inspector General's Office and verified by the PREA Coordinator.

- (8) **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.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Auditor Signature

Date

- (8) **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.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Harold L. "Buddy" Keist

Auditor Signature

July 3, 2014

Date