

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS



<b>Name of facility:</b> Polk Correctional Institution			
<b>Physical address:</b> 10800 Evans Road, Polk City, Florida			
<b>Date report submitted:</b>			
<b>Auditor Information</b> Hubert L. "Buddy" Kent			
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<b>Date of facility visit:</b> September 29-October 2, 2014			
<b>Facility Information</b>			
<b>Facility mailing address:</b> (if different from above)			
<b>Telephone number:</b>			
<b>The facility is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State X
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison X	
<b>Name of PREA Compliance Manager:</b>	Arlene Darby	Assistant Warden	
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<b>Agency Information</b>			
<b>Name of agency:</b> Florida Department of Corrections			
<b>Governing authority or parent agency:</b> (if applicable) State of Florida			
<b>Physical address:</b> 501 South Calhoun Street, Tallahassee, Florida			
<b>Mailing address:</b> (if different from above)			
<b>Telephone number:</b>			
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<b>Agency-Wide PREA Coordinator</b>			
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## Narrative

The audit team proceeded to the conference room in the Administration building. The team expressed the appreciation for the opportunity to be involved with Polk Correctional Institution in the PREA process. The following persons were in attendance:

Eduardo Rivero, Warden  
Arlene Darby, Assistant Warden, Programs/PREA Manager  
James Ryans, Assistant Warden, Operations  
Christopher Sapp, Chief of Security, Main Unit  
Curtiss Johnson, Chief of Security Work Camp  
Delma Collins, Head of Classification  
Cathy Gaule, Sergeant

After a brief discussion about the audit, the team proceeded to the compound for a facility tour. The tour of the main unit was conducted on September 29, 2014 from 10:00 am to 1:00 pm. There are a total of 66 buildings on the facility grounds. The satellite facilities were toured on September 30, 2014 from 11:15 am to 5:15 pm and October 1, 2014 from 4:00 pm to 7:30 pm. The design capacity for the main unit is 1200. The population at the time of the audit is 1192. The average daily population for the previous twelve months was 1214. There have been 1072 inmates assigned to Polk during the previous 12 months. The average length of stay at the facility is three years. The Work Camp has four open bay dormitories housing a maximum of 292. The custody level of the inmate population is close to community. There is 331 staff assigned. There is 23 staff employed since August 2012.

The areas toured were a total of seven housing units, and various departments within the secured perimeter. There are four, Open-Bay housing units and three cell housing units. The cell housing units are two man cells. The various departments toured were Classification, Food Service, Medical, Mental Health, and Security. Segregation/Confinement units are a twenty-eight bed unit for administrative housing and Forty-four for disciplinary status. The inmates are placed into Administrative Confinement pending disciplinary charges, pending protection needs (short term, no long term at this facility) and pending transfer.

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. A list of all inmates currently housed at the facility that have had a PREA case. From these listings, one inmate from each housing unit, one sight impaired inmate, segregated inmate and one who reported sexual abuse or harassment were randomly selected. The Language Line was utilized to interpret for the limited English proficiency inmate. There are no youthful inmates assigned to the facilities. There were four gay inmates and no transgender or intersex inmates assigned to Polk C.I. A total of 41 inmate interviews were conducted. 42 random staff interviews were conducted and included staff from all work shifts and all areas of the facilities. The Specialized Staff Interviews included 17 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, Intake Staff and a Volunteer. The Secretary, PREA Compliance Coordinator, Human Resources staff and SART Nurse were formally interviewed at the Department's Central Office for the first audit. In addition to the randomly selected inmates we also interviewed approximately 14 staff and 18 inmates as we toured the compound during the four days of the audit.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

Polk Correctional Institution is a major correctional institution located in Polk County, Florida. The Main Unit site, originally designed for 600 inmates, began construction in 1976. The first inmates arrived on May 1, 1978. The Work Camp, adjacent to the north end of the main unit compound, was completed in November of 1985 with a capacity of 292. The Main Unit is a facility with a total capacity of one 1,200, housing close, medium, minimum and community custody inmates. There are four open bay dormitories and three, two-man room, cell units. The open bay units are one story with two wings with a central common area utilized as day room space. The cell units have an upper and lower level. There are three wings in the cell units with a central common area for day room activities. The Work Camp has four open bay dormitories housing a maximum of 292. The Work Camp is medium facility housing only medium, minimum and community custody inmates.

Largo Road Prison is located approximately 65 miles from the main Polk C.I. unit. It has one open bay dormitory with an attached wing with single bunked rooms that can house a maximum of 66 inmates. It is a Level II facility housing only minimum and community custody inmates. It is enclosed by a secure, single chain link fence with razor ribbon on top. The vocational food service program, staffed by one teacher, provides meals for the inmates and provides satellite food for 49 inmates in the adjacent Pinellas Female Work release center. Medical care for camp inmates is provided by the Zephyrhills Correctional Institution which is located approximately 25 miles from the camp. There are eight Department of Transportation work crews and two public works service crew that provides services for the city of Largo. The camp has a large, well maintained and landscaped recreation and outdoor visiting area. The physical plant is well maintained and sanitary.

Perimeter security at all three institutions consists of a dual fence and razor wire. Electronic intrusion detection is installed on each fence along with a microwave system between the fences with all systems reporting back to the control rooms, alarms or trouble indicators. One tower is located at the main unit front gate. Polk Correctional Institution utilizes roving patrols that constantly rove the perimeter road at both the Main Unit and Work Camp.

St. Petersburg Community Release Center is located approximately 75 miles from its parent facility Polk Correctional Institution. St. Petersburg Community Release Center is located in St. Petersburg Florida in Pinellas Co. and opened its doors in 1986. St. Petersburg Community Release Center is a community custody level with a total capacity of 150, housing community custody inmates. There are 50 rooms which house three inmates each.

The vocational food service program, staffed by one teacher, provides meals for the inmates. Medical care for the inmates is provided by the Zephyrhills Correctional Institution which is located approximately 40 miles from the camp. All inmates arrive at the facility and are either permanent party or work release status. Those assigned as permanent party receive vocational training in areas of food service, work squads in the community or help augment the laundering services. The work release inmates go out into the community and obtain private employment. The physical plant is clean and provides each inmate with a more private room setting.

Polk Correctional Facility is the parent facility for The Transition House of Bartow, which is a private facility. Bartow opened its doors in 1972 and was acquired by The Transition House in April of 2014. The Transition House of Bartow is a 79 bed work release facility located in Bartow, Florida at 550 North Redwood Avenue. The purpose of this facility is for the inmate's gradual reintegration back into the community. The inmates in the Work Release programs are gainfully employed during the day and may choose to participate in education, vocation, and substance abuse treatment courses on days off or at night after work. Work Release inmates are required to pay subsistence for room and board. Inmates also make court-ordered payments, send money home for family support, and are required to set money aside for savings upon their release.

The agency mission statement is "To promote safety of the public, our staff and offenders by providing security, supervision, and care, offering opportunities for successful re-entry into society, and capitalizing on partnerships to continue to improve the quality of life in Florida."

The institution had a mission change in January 2011 that involved inmate re-entry. Reentry is a process intended to assist inmates being released from prison and offenders under community supervision to become law abiding citizens. The goal is to reduce recidivism, which will result in safer communities, fewer crimes and fewer victims.

**SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded: 1 (41)

Number of standards met: 39

Number of standards not met: 2(13-53)

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. 98 percent plus of her work time is spent on PREA. She coordinates with the other 49 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**

**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)

Polk CI is the parent facility to Bartow Transition House. It is clearly spelled out in the contract Bartow Transition must comply with the 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)

The facility operates at Level I staffing levels. Procedure 602.030 states 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. Level I posts are critical for the daily operation of a shift. The post chart shows one sergeant and one officer per housing unit. One of the two is then assigned secondary duties to provide security coverage for the yard, recreation, dining hall or canteen lines. This leaves one officer on the unit. They are assigned to the officer station. Routines rounds are not being made due to level I staffing. The only area with recording capability was in the segregation unit. On the days of the audit there was a ten percent vacancy rate for the facility. There are 331 allocated positions and there were 33 vacancies. The vacancy rate does not include staff that is on workers compensation, military leave, extended sick leave or family medical leave.

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

#### (1) SECURITY STAFFING LEVELS:

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.

(a) Under no circumstances will a shift begin below Level I staffing or be allowed to go below this level except in emergencies.

(b) 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.

(c) 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.

**115.13 (d)-1: Post order 3 Section 9 Page 2  
FAC 602.33 Sections 5-8, Pages 4 & 5**



### **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. Polk CI is an adult male 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)

Open bay dormitory units and showers cell units allow cross gender viewing of inmates while showering. The shower screen in the open bay was not wide enough to limit cross gender viewing. Window tint has been put in place enabling inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell or security checks.

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.

Female 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: FAC 33-602.204 Section 1a, 2a, 4, 3a, 3d pages 1-2**

**602.018 Section 2 pages 4-5**

**602.036 Section 2 Pages 2- 4**

### **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**

### **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**

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

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

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

### **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)

There have been no upgrades to the facility since August 2012.

### **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. 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**

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

## **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.

There were 21 allegations made at Polk or its satellites, one was criminally investigated and 20 were investigated administratively.

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

## **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. Agency 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.

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

### **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)

The volunteer and contractor training is received by read and sign. Each volunteer and contractor has completed the read and sign acknowledgement form indicating they understand their responsibilities. A review of the training records and interviews with contractor and volunteers confirm they received the training.

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

### **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)

All inmates are supposed to view the video “Speaking Up” during their orientation at the reception center. Policy requires when an inmate is transferred to another facility they receive PREA orientation training. The inmate completes the acknowledgement form indicating they have received the PREA information.

Interviews with inmates revealed that substantial efforts have been made to ensure all inmates receive the training.

**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**

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

### **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 investigative staff has been PREA trained for investigating sexual abuse and harassment cases.

#### **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.

**Procedure 108.015 Section 16 page 10-11**

**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)

Corizon staff complete a Powerpoint presentation that covers all required specialized training topics. Staff sign an acknowledgment form indicating they have completed and understand the training. 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**

**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 developed a computerized screening process that identified potential victims/predators as well as victim and predators. Each item in the standard is addressed in the program. The inmate is screen within 72 hours of arrival. Each time a bed change or program change is made the program re-evaluates the inmates and housing assignment. A warning flag is generated to the housing officer if the inmates are not compatible cell mates. The housing officer must review and approve any bed changes made. There were 26 confirmed predators assigned to Polk. There were seven confirmed victims assigned to Polk CI.

The inmates risk level is reassessed when a referral, incident of sexual abuse/sexual harassment or receipt of additional information. If an incident of sexual abuse is reported both the victim and perpetrator receive a reassessment.

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

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

FDC Technical Manual

### **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 developed a computerized screening process that identified potential victims/predators as well as victim and predators. Each item in the standard is addressed in the program. The inmate is screen within 72 hours of arrival. Each time a bed change or program change is made the program re-evaluates the inmates and housing assignment. A warning flag is generated to the housing officer if the inmates are not compatible cell mates. The housing officer must review and approve any bed changes made.

Inmates identified by medical and mental health as a transgender or intersex is noted on their Health Screen (HS06). Policy requires transgender and intersex is assessed biannually. The appointment is generated in the medical department. The facility will provide transgender and intersex inmates and opportunity to shower separately from other inmates.

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

### **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 reviews the inmate's 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**

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



### **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**

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

### **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. Should a grievance be received in central office they will initiate the MINS reporting process in central office.

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

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

### **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)

The agency has put out for bid to community service providers to provide inmates with confidential emotional support services as it relates to sexual abuse or harassment.

### **115.54 – Third-party 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)

Third party reporting is available via the DC WEB, TIPS line and third party grievances. The third party grievance form is available on line at [www.dc.state.fl.us/oth/inmates/prea-grievances.html](http://www.dc.state.fl.us/oth/inmates/prea-grievances.html)

There were no third party reporting grievances or dcweb reporting.

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

### **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)

Policy requires all staff to report immediately and any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment as soon they become aware of the incident. 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 was aware they were not to reveal information to anyone other than those necessary.

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

### **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 Pages 5 & 6, 8c Page 8, 9a Page 8**

### **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)

If an inmate reports he was sexually abused while confined at another facility the receiving warden shall contact the warden or facility director where the alleged abuse occurred within 72 hours.

There were no reports received of sexual abuse while confined at another facility.

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

### **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**

### **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**

**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. Contracts were reviewed the PREA language was included in the contract.

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.”

**Procedure 205.002 page 15**

**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)

Classification and security staff are designated as responsible to monitor retaliation for any reported incident. Inmates or staff are monitored for up to 90 days for retaliation. Monitoring includes status checks, reviewing disciplinary reports, housing or program changes and any negative job performance awards.

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

### **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 an 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**

### **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)

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

All allegations of sexual abuse or sexual harassment are to be investigated. By policy all allegations except inmate on inmate harassment will be investigated by the Office of the Inspector General.

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).

**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**

**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**

### **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 is substantiate.

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

### **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)

Following the completion of an investigation the inmate is informed of the outcome of the investigation. The IG inspector or a member of management advises the inmate of the outcome of the investigation or inquiry.

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

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

### **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**

### **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. Contracts reviewed all had the PREA language in them. All new and renewed contracts are identified as PREA covered contracts when appropriate. These contracts include the following language “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**

**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)

Inmates answering positively to the questions on the questionnaire referenced to victimization or perpetration are to be offered follow-up counseling with mental health staff within fourteen days of the screening.

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**

**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)

Inmates who allege victimization that involves any type of physical contact will be given a medical examination. Medical staff is to follow the sexual battery protocol as outlined in HSB 15.03.36. There is no charge per policy for medical services for PREA related incidents. A refusal must be signed should the inmate refuse treatment.

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

**602.053 Section 6c-f Pages 12 & 13**



### **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**

### **115.86 – Sexual abuse incident review**

- 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 sexual abuse incident review team consists of the 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**

### **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**

**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)

At the end of the calendar year the facility will prepare a corrective action plan to improve the effectiveness of sexual abuse prevention, detection, and response. The corrective action plan will take into consideration all PREA allegations that have been reported. A comparison of the current year and previous year data is to be completed.

**Procedure 602.053 Page 13**

**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 the PREA Coordinator. In addition to keeping the paper documents according to retention schedule a retention folder is located on the computer at cos201\PREA Retention.

**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.

Hubert L. "Buddy" Kent

March 30, 2015

Auditor Signature

Date