

# PREA Facility Audit Report: Final

**Name of Facility:** Marion Correctional Institution

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 12/30/2019

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Darlene M. Baugh	<b>Date of Signature:</b> 12/30/2019

AUDITOR INFORMATION	
<b>Auditor name:</b>	Baugh, Darlene
<b>Address:</b>	
<b>Email:</b>	piltsbaugh@gmail.com
<b>Telephone number:</b>	
<b>Start Date of On-Site Audit:</b>	12/11/2019
<b>End Date of On-Site Audit:</b>	12/13/2019

<b>FACILITY INFORMATION</b>	
<b>Facility name:</b>	Marion Correctional Institution
<b>Facility physical address:</b>	3269 Northwest 105th Street, Ocala, Florida - 34482
<b>Facility Phone</b>	
<b>Facility mailing address:</b>	PO Box 158, Lowell, Florida - 32663

<b>Primary Contact</b>	
<b>Name:</b>	Cynthia Davis
<b>Email Address:</b>	Cynthia.Davis@fdc.myflorida.com
<b>Telephone Number:</b>	(352) 368-8402

<b>Warden/Jail Administrator/Sheriff/Director</b>	
<b>Name:</b>	Shannon Varnes
<b>Email Address:</b>	Shannon.Varnes@fdc.myflorida.com
<b>Telephone Number:</b>	(352) 368-8402

<b>Facility PREA Compliance Manager</b>	
<b>Name:</b>	
<b>Email Address:</b>	
<b>Telephone Number:</b>	
<b>Name:</b>	Cynthia Henry-Davis
<b>Email Address:</b>	cynthia.davis@fdc.myflorida.com
<b>Telephone Number:</b>	M: 352-368-8434
<b>Name:</b>	Daniel Rivero
<b>Email Address:</b>	daniel.rivero@fdc.myflorida.com
<b>Telephone Number:</b>	M: (352) 368-8436

<b>Facility Health Service Administrator On-site</b>	
<b>Name:</b>	Carrie Daffron
<b>Email Address:</b>	cpriebe@TeamCenturion.com
<b>Telephone Number:</b>	(352) 840-6421

<b>Facility Characteristics</b>	
<b>Designed facility capacity:</b>	1324
<b>Current population of facility:</b>	1124
<b>Average daily population for the past 12 months:</b>	1244
<b>Has the facility been over capacity at any point in the past 12 months?</b>	No
<b>Which population(s) does the facility hold?</b>	
<b>Age range of population:</b>	18-86
<b>Facility security levels/inmate custody levels:</b>	Community, Minimum, Medium, Close
<b>Does the facility hold youthful inmates?</b>	No
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>	320
<b>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</b>	76
<b>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</b>	272

<b>AGENCY INFORMATION</b>	
<b>Name of agency:</b>	Florida Department of Corrections
<b>Governing authority or parent agency (if applicable):</b>	
<b>Physical Address:</b>	501 S Calhoun Street, Tallahassee, Florida - 32399
<b>Mailing Address:</b>	
<b>Telephone number:</b>	850-717-3498

Agency Chief Executive Officer Information:	
<b>Name:</b>	Mark Inch
<b>Email Address:</b>	Mark.Inch@fdc.myflorida.com
<b>Telephone Number:</b>	

Agency-Wide PREA Coordinator Information			
<b>Name:</b>	Judy Cardinez	<b>Email Address:</b>	Judy.Cardinez@fdc.myflorida.com

## AUDIT FINDINGS

### **Narrative:**

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

### Audit Narrative

The auditor arrived at the Marion Correctional Institution on Wednesday, December 11, 2019 at 9:00 a.m. An entrance meeting was held with the following present: Warden Shannon Varnes, Assistant Warden for Programs/PREA Coordinator Cynthia Davis, Sergeant/PREA Auxiliary Daniel Rivero, Colonel Steven Micklos, Correctional Officer Amy Grayford, and CSC Kellie Eberlein.

During the first day at Marion C.I. the attendees of the entrance meeting plus Lt. Santiago did a walk-through of the Main Unit. The remainder of the day included interviews with inmates and staff.

On Thursday, December 12, 2019, a walk-through of the Work Camp occurred. Those in attendance were Assistant Warden Davis, Major Ronald Bradshaw, Lt. Robert Swengal, Sgt. Daniel Rivero and CSC Kellie Eberlein. followed by interviews with inmate and staff. After completion of the interviews a facility review of the Re-Entry Center of Ocala (RECO) occurred with the Director of the Facility, Assistant Warden Davis, Sergeant Rivero, Major Bradshaw and CSC Eberlein.

On the third day of the audit, the auditor completed the final interviews and reviewed files. This was followed by the exit interview. Those present were Warden Varnes, Asst. Warden Davis, Colonel Micklos, Sgt. Rivero and CSC Kellie Eberlein.

### Count:

Main Unit: 1240

Work Camp: 273

RECO: 132

### Pre-Audit Activities

#### Notice of PREA Audit:

The notice of the upcoming PREA audit was forwarded on September 23, 2019 to the facility to be posted at least six weeks prior to the on-site audit. This notification was provided in both an English and Spanish version. The facility was asked to post the notices in areas where it would be visible to staff, inmates, contractors, volunteers and visitors. The purpose of the Notice is to allow any individual, including a third party, with a PREA concern or issue, to include an allegation of sexual abuse or sexual harassment, to correspond confidentially with the PREA Auditor.

The auditor did not receive correspondence as a result of the Audit Notification.

Posters and audit announcement were viewed while the auditor was on site.

#### Outreach to Outside Advocates:

The Florida utilizes a Sexual Abuse Response Team (SART) when there is an allegation of sexual abuse that indicates physical evidence may be available. The Team is contacted, and a trained team member is sent to the facility.

A telephone call with Dr. Sheffield indicated that team members will arrive at the facility within four (4) hours of notification. The entire SART team is made up of six (6) nurses and the Medical Director (Dr. Sheffield). The only area of the state that is not covered by SART is Miami. The Dr. shared that she has one (1) nurse who has completed SAFE/SANE training (certified) and two (2) who are ready to test. She further stated that the state does not required SAFE/SANE certification, however, must be trained to complete the forensic examination.

The process for the team after arriving at the facility is to complete the forensic exam and make follow-up recommendations. The offender is offered an advocate to be present during the examination and/or to be available after. If the team recommends medication, staying in the infirmary, or any other item. The facility physician is notified and will complete the required 'order'. At the completion of the team's recommendation, the team is no longer involved unless they receive a court subpoena. Dr. Sheffield stated that they have been ordered to court one (1) time, several years ago.

The auditor also contacted Maureen Quinlan, Director of the Ocala Rape Crisis Center. She reports that she has not received any advocacy requests from the facility within the last year. Recently, there was a request from the PREA Coordinator for fingerprinting. She stated that she and another advocate completed that task.

If a request for an advocate is forwarded to their Center, all services would be free of charge.

#### On-Site Audit Activities

##### Selection of Staff and Residents for interviews:

The Marion C.I. provided a list of staff and inmates to the auditor. Inmates were randomly chosen for the interviews by the auditor. Staff were selected by position.

##### Inmate Interviews: (40) \*

Caucasian/Cognitive/Bi-Sexual/Prior Sexual Abuse 2

Caucasian/Bi-Sexual/Prior Sexual Abuse 2

Caucasian/Gay 2

African American/Prior Sexual Abuse 1

African American/Gay 1

Hispanic 6

Caucasian 15

African American 10

LEP 1

\*Interviews were held with inmates at the Main Unit and Work Camp. Inmates at the Re-Entry Center were not interviewed as most were at work.

\*The facility does not house inmates younger than the age of eighteen (18). There were no inmates available that had physical disabilities, were Transgender or Intersex, at high risk for victimization or had reported sexual abuse.

Staff and Volunteer Interviews: (26) \*

Warden

Assistant Warden for Programs/PREA Coordinator

Colonel

Major

Captain

Lieutenant - 4

OIG Investigator

Sergeant/Intake

Sergeant/PREA Auxiliary Staff

Sergeants – 2

Correctional Officers – 6

Food Service Director

Psychologist

Health Services Administrator

Volunteer – 2

Contractor

\*Staff are representative of all facility shifts.

Facility Staffing Plan Annual Review:

Facility staffing patterns are decided within their Central Office. This facility has been designated as an 'incentivized' prison. With this 'title', nine (9) additional positions have been added.

Shift Reports Documenting Unannounced PREA Rounds:

Supervisors sign the officers log within the housing units. The logs are daily removed from the units and placed within the Colonel's office for review. Logs were reviewed by the auditor.

Certificates of Training

The OIG investigator assigned to this facility has completed the Moss Group training for Trainers.

Victimization / Aggressor Assessments/Reassessments: (25)

The auditor reviewed documentation of the inmate assessments and reassessments. Of the twenty-five (25) forms, only one reassessment was late.

Incident Reports/Investigations:

Four Investigation files were reviewed. One (1) investigation is still open by the Office of Inspector General. The remainder were not substantiated.

Notifications to Inmates:

The Office of the Inspector General provides the results of the investigation to the inmate. Additionally, inmates can review the findings, comment and sign-off on the form. Copies were reviewed.

Documents Reviewed:

The auditor completed a request for thirteen (13) employees, that included date of hire and promotion, original criminal history background check and last criminal history run. Information was returned that included 'Live Scan'. When an employee is hired within this system, fingerprints are taken and forwarded to the Law Enforcement Center. Daily, as arrests are made and individuals are fingerprinted, if there are any matches to Corrections employees, the department is notified immediately. Response is then immediate.

Coordinated Response Plan:

The institution Response Plan is a formatted list of steps to be taken when there is an allegation of sexual abuse or sexual harassment. The medical department has a very detailed response plan that is completed upon each allegation.

## AUDIT FINDINGS

### Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

### Facility Characteristics:

#### Florida Department of Corrections

FDC has one hundred forty three (143) facilities statewide, including fifty (50) major institutions, seventeen (17) annexes, seven (7) private facilities (contracts for the private facilities are overseen by the Florida Department of Management Services), thirty (34) work camps, three (3) re-entry centers, two (2) road prisons, one (1) forestry camp, one (1) basic training camp, twelve (12) FDC operated work release centers along with sixteen (16) more work release centers operated by various private vendors (FDC oversees these contracts). Institutions are geographically grouped into four regions. The Tallahassee Central Office provides support, policy and oversight through the regional directors and their staff to all the facilities.

These facilities incarcerate felons convicted and sentenced more than a year. These inmates are transported from a county jail and enter the system through one of four male, or two female reception centers strategically located throughout the state. Upon arrival at a reception center, an inmate is processed, tested, evaluated by health services, assessed for program needs, and his/her custody (security risks) is determined. Custody is determined by reviewing the seriousness of their offenses, length of sentence, time remaining to serve, prior criminal record, escape history, prison adjustment, and other factors. The most serious offenders with the longest sentences and those least likely to adjust to institutional life are placed in more secure facilities. Based on the results of this process the inmate is then transferred to the appropriate facility.

The Marion Correctional Institution (MCI) is located at 3269 NW 105th Street in Ocala, Florida in Marion County approximately 40 miles from Gainesville, Florida. MCI was originally established in 1959 as the Florida Correctional Institution Men's Unit and affiliated with the Florida Correctional Institution Main Unit, a female facility. In 1976, MCI became a separate facility to house adult male inmates and assigned the current facility name. MCI is a Level 4 facility with community, minimum, medium, and close custody inmates as well as medical grades one through four and psychological grades S-1 to S-3. The facility provides academic vocational, and self-improvement programs as well as Pride Industries (garment, corrugated boxes, embroidery and textiles). The Main Unit has a rated capacity of 1324 inmates. Housing units consist of five open-bay dormitories and two T-style dormitories and is classified as a level 4 facility. There is also a Disciplinary and Administrative Confinement Unit with double bunked cells housing 103 inmates.

Marion Correctional Work Camp is a Level 3 facility located adjacent to Marion Correctional Institution. It was established in 1989 with a maximum population of 280 inmates housed in four open bay dormitories.

#### The Re-Entry Center of Ocala

Time for Freedom Inc. was founded in February 1987 as a non-profit organization who provides a faith-

based outreach. Residents who complete their sentence at the Marion CI may move to RECO while establishing work and residency within the community.

#### Recommendations:

##### Marion C.I.

A review of the physical structure of the facility showed that the housing units have adequate camera coverage, however there are numerous locations where cameras and/or mirrors are lacking. The auditor recommends adding cameras to property, classification/dental/medical, the conference rooms, barbershop, treatment west ("outback"), kitchen – oven areas, laundry (has two mirrors), classrooms, education, the wellness building, multi-purpose building and the chaplaincy.

Interviews of inmates showed a balance of requests for additional screens in the shower area and those who feel that coverage is adequate. However, review of the area did not show a lack of personal coverage.

A computer list generated for inmates who reported a prior sexual assault showed none reported. However, of the forty (40) inmates interviewed five (5) stated that they had been a prior victim of sexual abuse. All stated that they were referred to Mental Health upon their arrival at Marion. The auditor suggested that the facility follow-up to determine the 'disconnect'.

##### Marion Work Camp

The Work Camp has adequate cameras in the housing areas. It should be noted that these are the only cameras within the Camp. Cameras should be added throughout the buildings and grounds.

##### Re-Entry Center of Ocala

The facility has good camera coverage throughout the two buildings. The large dorm areas have camera coverage, but there is no smaller bedroom coverage.

**AUDIT FINDINGS**

**Summary of Audit Findings:**  
The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance. Auditor Note: No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

<b>Number of standards exceeded:</b>	2
<b>Number of standards met:</b>	43
<b>Number of standards not met:</b>	0

Number of Standards Exceeded: 2  
Standards Exceeded: 115.17, 115.33

Standards Met: 115.11, 115.12, 115.13, 115.14, 115.15, 115.16, 115.18, 115.21, 115.22, 115.31, 115.32, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.66, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89

Number of Standards Not Met: 0  
Standards Not Met: n/a

## Standards

### Auditor Overall Determination Definitions

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

### Auditor Discussion Instructions

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure #602.053; Title: Prison Rape: Prevention, Detection and Response  Memorandum to the Assistant Warden of Programs  Agency Organization Chart  Marion CI Organization Chart  Interview with Warden  Interview with Assistant Warden  Interview with Sergeant / PREA Manager  Interview with Staff</p> <p>Procedure #602.053; Title: Prison Rape: Prevention, Detection and Response  Purpose: To establish zero-tolerance standards for sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in institutions and community corrections while protecting the rights of inmates and offenders, regardless of gender or sexual preference, through accountability of perpetrators and the punishment of those institutional and community correctional officials who fail to prevent, detect, and respond to sexual abuse, sexual battery, and sexual harassment crimes for incarcerated inmates and those offenders under Departmental jurisdiction.</p> <p>To establish and provide implementation of standards for the detection, prevention, elimination and punishment of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment by increasing the availability of data, information, and training on the incidence of sexual abuse, sexual battery, and sexual harassment, consequently improving the management and administration of correctional facilities.</p> <p>To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment.</p> <p>The definitions contained herein are limited to the reporting, training, and investigation of alleged sexual abuse, sexual battery, sexual harassment, and sexual misconduct made pursuant to the Prison Rape Elimination Act of 2003. No definition contained herein expands or provides a cause of action under state or federal law. No definition contained herein applies to any other procedure or protocol of the Department unless expressly provided for in an applicable procedure.</p> <p>The Agency Organization Chart identifies Judy Cardinez as the Operations Manager, PREA Coordinator.</p> <p>A memorandum from the Warden to the Assistant Warden dated March 12, 2018 states: Effective immediately, Assistant Warden of Program, Cynthia Davis, will be the Prison Rape</p>

Elimination Act (PREA) Compliance Manager for Marion Correction Institution. Please ensure compliance with all aspects with PREA standards and implementation.

Comments:

The PREA Compliance Manager reports to the Warden.

The Assistant Warden, Cynthia Davis serves as Marion Correctional Institution's PREA Compliance Manager and a Sergeant serves as the Auxiliary PREA staff.

Interviews with Staff and Inmates shows a full knowledge of zero tolerance towards sexual abuse and sexual harassment.

115.12	<b>Contracting with other entities for the confinement of inmates</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1142 445">Materials Reviewed: PROCEDURE NUMBER 205.002; Title: CONTRACT MANAGEMENT Time for Freedom, Inc Contract (Reentry Center of Ocala)</p> <p data-bbox="252 539 1437 741">On or after August 20, 2012 or since the last PREA audit, whichever is later: The number of contracts for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies: 1 The number of contracts that DID NOT require contractors to adopt and comply with PREA standards: 0</p> <p data-bbox="252 797 1437 916">On or after August 20, 2012, or since the last PREA audit, whichever is later, the number of contracts that DO NOT require the agency to monitor contractor's compliance with PREA standards: 0</p> <p data-bbox="252 1010 1477 1301">PROCEDURE NUMBER 205.002; Title: CONTRACT MANAGEMENT (e) 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 contractor/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 Department policies and procedures that relate to PREA</p> <p data-bbox="252 1357 1461 1603">Contract between the Florida Department of Corrections and Time for Freedom, Inc. The facility provided an amendment to the contract between the Florida Department of Corrections ("Department") and Time for Freedom, Inc. ("Contractor") to operate a Contractor-provided Community Release Center (CRC) in Marion County, Florida (Re-Entry Center of Ocala). Extension of the prior contract is now from June 13, 2018 through June 30, 2021.</p> <p data-bbox="252 1659 1453 1861">C. Prison Rape Elimination Act (PREA) The Contractor 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. Part 115. The Contractor will also comply with all Department policies and procedures that relate to PREA.</p> <p data-bbox="252 1962 1469 2074">Comments: Marion does not enter into contracts. The agency does the contract negotiations. There is not a contract for the confinement of inmates.</p>



115.13	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Marion C.I. Staffing Plan  Security Staff Utilization  Procedure # 602.030; Title: Security Staff Utilization  Incident Report; Below Level Staffing dated July 31, 2019  Annual PREA Staffing Review dated March 13, 2019  Housing Unit Log, dated September 11, 2019 and September 12, 2019  Supervisor's Report of Unannounced Rounds  Interview with Warden  Interview with Assistant Warden  Interview with Supervisory Staff  Site Review</p> <p>Since August 20, 2012, or last PREA audit, whichever is later:  The average daily number of inmates: 1373  The average daily number of inmates on which the staffing plan was predicated: 1373</p> <p>Marion C.I. Staffing Plan states the following:  Shift supervisors are assigned to each institution and are required to conduct daily unannounced rounds. Further information can be obtained from Procedure 602.030 and Post Order #3 related to supervisors and rounds.</p> <p>Marion C.I. has installed video monitoring technology in order to assist in preventing, detecting and responding to sexual abuse and sexual harassment allegations. Currently all housing units are equipped with video monitoring equipment. In addition, cameras have been installed in Laundry, North and South entrance gates, food service and the staff lobby. These cameras are monitored by staff and have recording capabilities. The cameras are utilized as a deterrent and assist in sexual abuse investigations. In 2018, Marion C.I. received PREA Grant money that was utilized to purchase additional cameras, DVRs, monitors and hardware that have been used as replacements or to further aide in monitoring of all housing units.</p> <p>In developing and reviewing the staffing plan, Marion C.I. considers the following factors:</p> <ol style="list-style-type: none"> <li>1. Generally accepted detention and correctional practices <ol style="list-style-type: none"> <li>a. The Department has created posts within the staffing plan in line with correctional practice across the county. The Department developed the staffing plan based off of direction provided in the National Institute of Corrections (NIC) and the US Department of Justice's "Guidelines for the development of a security program". The staffing plan for Marion C.I. was created based on standard staffing and relief factor across the country as it relates to the total inmate population, the type of inmate population, the required daily activities and the security and safety of staff, inmates and visitors.</li> </ol> </li> <li>2. Any judicial findings of inadequacy</li> </ol>

- a. Based on information and belief, within at least the last twenty years, the Department, and specifically, Marion C.I. has not had any judicial findings of inadequacy.
3. Any findings of inadequacy from Federal investigative agencies
  - a. The Department and specifically Marion C.I. has not had any findings of inadequacy from any Federal investigative agency.
4. Any findings of inadequacy from internal or external oversight bodies
  - a. The Department has become involved in an intense effort to analyze current staffing patterns. The Department has undergone analyses in 2015 regarding staffing and operations. One analysis was conducted by the National Institute of Corrections (NIC) and another was completed by the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA). In January 2016 the Department executed a contract with the Association of State Correctional Administrators (ASCA) to conduct a comprehensive staffing analysis. In the reviews by NIC and OPPAGA the Department was found to have inadequate staffing. The staffing plan itself was not inadequate, however the deployment of staff to fulfill the needs of the staffing plan was found to be deficient. Due to limited number of staff at Marion C.I., Level II and Level III posts are left vacant in order to fill all critical Level I posts. Level I posts are the minimum staffing required for daily operation of a shift and require limitation of certain activities on the compound. The reviews found that the staffing of only Level I posts, the number of secondary duties and the number of staff on special assignments impacted the safety and security of facilities. Recommendations were provided to fill all Level I, II and III posts and to create posts for specific special assignments. The Department has requested resources from the legislature to fill all posts at Marion C.I. as well as to modify the current relief factor and transition from two twelve-hour shifts to three eight hours shifts. The Department is continuing to review other recommendations by the organizations to improve staffing at Marion C.I.
  - b. Internal reviews/mock audits by the PREA office have documented that Marion C.I. has a PREA compliant staffing plan when Level I, II and III posts are filled, however when only critical Level I posts are filled the staffing is inadequate for the proper supervision and monitoring to prevent, detect and respond to sexual abuse and sexual harassment allegations. The American Correctional Association (ACA) external entity conducted an accreditation audit during November 2018 and concluded that all staffing was compliant with their standards.
5. All components of the facility's physical plant (including blind-spots or areas where staff or inmates may be isolated)
  - a. The post chart (staffing plan) is created by the Bureau of Security Operations and physical plant is one of the characteristics that was considered during the creation of the plan. Marion C.I. administrative staff, specifically the Warden, can request for the staffing plan to be modified based on any physical plant characteristic that may require a supplemental staffing need. Marion C.I. received PREA Grant money in 2018 and was able to make some physical plant modifications to the work camp (saloon doors for the bathrooms). Marion C.I. has not requested modifications to the staffing plan based on physical plant.
6. The composition of the inmate population
  - a. The post chart (staffing plan) is created by the Bureau of Security Operations and composition of inmate population is one of the characteristics that was considered during the creation of the plan. Marion C.I. consists of a Level 4 Facility with Psyche Grade 3 and below and thus the staffing plan consists of no specific staff assigned to any post that is a result of the type of inmate population housed at Marion C.I. Marion C.I. has a total of 7 general population dormitories (A, B, C, D, E, F, G), 2 confinement units (Administrative Confinement

and Disciplinary Confinement), 1 Infirmary area and 4 general population dorms located at the Work Camp (M, N, O, P). Marion C.I. does not house any specialized housing (i.e. Death Row, Close Management, etc.), however, Marion C.I., at the main unit, does have A-dorm housing only inmates enrolled in the Substance Abuse (ARTC) program, one wing of B-dorm consisting of impaired inmates (Hearing impaired and/physically impaired/Approximately 20-30 inmates at any given time), C Dorm housing all the new intake inmates as they go through orientation, D-Dorm housing only "Honor" dorm inmates (specific requirements to qualify for housing such as Disciplinary Report history, Corrective Consultation history, etc.) and PRIDE assigned inmates, E-Dorm housing predominantly H04 inmates, F-dorm housing program specific (Xtreme Solutions) inmates and G-Dorm housing all of the assigned Food Service inmates. At the Work Camp, M-Dorm houses the inmates involved in the FIDO program where dogs are raised and cared for. Marion C.I. does not have a posted center tower, however, a manned "gate house" is located central to the institution where all inmate movement is regulated 4 through. Marion C.I. houses between 150-200 confirmed Security Threat Group (STG or "gang affiliated") inmates at any given time in any of the general population dormitories.

7. The number and placement of supervisory staff

a. The post chart (staffing plan) is created by the Bureau of Security Operations and the number and placement of supervisory staff is based on numerous factors including the total inmate population, the composition of the inmate population, physical plant, etc... Marion C.I. has a total of 15 supervisory staff (7 Lieutenants, 6 Captains, 1 Major and 1 Colonel). Every assigned Lieutenant and Captain to each shift conducts unannounced rounds of each dorm, assists with the feeding of each meal, conducts education/vocational rounds and conducts rounds within the food service area. The assigned shift supervisor of the Main Unit also is required to conduct rounds of each confinement unit.

8. Institution programs occurring on a particular shift

a. The post chart (staffing plan) is created by the Bureau of Security Operations and Marion C.I. daily activities were one of the factors considered during the creation of the plan. Marion C.I. is documented with special assignment positions to assist with daily programmatic activities such as Xtreme Solutions, ARTC, various religious programs, vocational classes and education classes. All education, religious and Xtreme Solution classes or meetings are held within the multipurpose building. Vocation classes are held in the vocation building. Security is assigned to conduct checks between these areas for the duration that inmates are present. During special events, additional security is assigned to assist with the supervision of the increased inmate numbers. ARTC is solely housed within A Dorm which has a Level 1 Supervisor post, a Level 2 Supervisor post, three Level 1 Officer posts and two Level 2 Officer posts. Security conducts their required checks around the clock to include the times when the ARTC programs are being conducted.

9. Any applicable State or local laws, regulations or standards

a. There are no State or local laws, regulations or standards that relate to the Department, specifically Marion C.I. staffing levels.

10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse

a. In 2017, Marion C.I. did not have any substantiated/sustained allegations. Marion C.I. had a total of thirteen (13) allegations from the Main Unit and the Work Camp combined, but none of the investigations were completed by the Office of the Inspector General and returned with a disposition of sustained/substantiated. In 2018, Marion C.I. did not have any substantiated/sustained allegations. Marion C.I. had a total of eight (8) allegations from the Main Unit and the Work Camp, but none of the investigations were completed by the Office of

the Inspector General and returned with a disposition of sustained/substantiated. Of the eight 5 (8), one (1) was Inmate-on-Inmate Sexual Harassment that was found "Unfounded." Having no substantiated and unsubstantiated allegations paired with the Sexual Abuse Incident Review determined no modifications were necessary to the current staffing plan.

11. Any other relevant factors a. Marion C.I. considers all incidents that occur daily in determining where staff is assigned and whether to send a request to the Bureau of Security Operations for a modification to the post chart. Examples of incidents that may be considered include PREA, inmate-on-inmate assaults, inmate-on-staff assaults and use of force.

Incident Report; Below Level Staffing dated July 31, 2019

This report stated that "due to lack of staff I went below critical staffing for one post (Post #189) for a period of one hour." Appropriate signatures were attached.

Annual PREA Staffing Review dated March 13, 2019

Comments and Recommendations stated:

Marion CI staffing plan is adequate based on physical plant and population. The facility's mission was taken into consideration when the post chart was created to ensure the safety and security of each unit.

Marion CI added 7 additional housing unit cameras in 2018.

Marion CI did not fall below critical in 2018.

Facility resources have been examined to ensure adequate staffing levels: Yes

Cameras:

Housing: 141

Common Areas: 13

The Staffing Plan is a written plan which documents such things as: security staffing level guidelines, the requirements of unannounced rounds for supervisors, video monitoring, security post chart,

Procedure # 602.030; Title: Security Staff Utilization

This procedure is exempt from public disclosure.

Housing Unit Log dated September 11, 2019 and September 12, 2019 showed a start of shift inventory.

Comments:

Procedure # 602.030; Title: Security Staff Utilization is exempt from public disclosure.

However, the auditor will note that the policy includes post charts, responsibilities, reviews and inspections.

Two reasons for deviation from the staffing plan was noted: Hospital Duty & Unscheduled Absences.

As noted above the staffing plan / review is detailed and covers those areas of the standard.

Supervisors identified their method for completing unannounced rounds. Those rounds are written into the housing log in the staff area of each unit. Daily, the logs are removed from the units and taken to the Colonel's office

115.14	Youthful inmates
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>In the past 12 months: The number of housing units to which youthful offenders are assigned that provide sight and sound separation between youthful and adult offenders in day rooms, common areas, showers, and sleeping quarters: 0 The number of youthful inmates placed in the SAME HOUSING UNIT as adults in this facility: 0</p> <p>In the past 12 months, the number of youthful inmates who have been placed in isolation in order to separate them from adult inmates: 0</p> <p>Comments: Marion does not house youthful inmates.</p>

115.15	<b>Limits to cross-gender viewing and searches</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Procedure # 602.018; Title: Contraband and Searches of Inmates  Procedure # 602.036; Title: Gender Specific Security Positions, Shifts, Posts and Assignments  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Housing Unit Log  PREA Training Data for Warden  Housing Unit Log  Employee Training Data  Training Curriculum  Interview of Warden  Interview of Assistant Warden  Interviews of Staff  Interviews of Inmates  Site Review</p> <p>In the past 12 months:  The number of cross-gender strip or cross-gender visual body cavity searches of inmates: 0  The number of cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff: 0</p> <p>In the past 12 months:  The number of pat-down searches of female inmates conducted by male staff: 0  The number of pat-down searches of female inmates conducted by male staff that did not involve exigent circumstances: 0</p> <p>Percent of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs: 100%</p> <p>Procedure # 602.018; Title: Contraband and Searches of Inmates  (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</p>

daily routine.

1. Inmates will always be searched in this manner when departing work areas where there are tools or other sensitive items in use.

2. All returning outside work squad inmates will receive, at a minimum, a thorough clothed search and will clear a metal detector.

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.

4. Clothed searches of transgender/intersex inmates by male staff will only be conducted during an emergency situation as deemed by the Shift Supervisor or if the arrival of female staff will disrupt the normal daily operations of the institution. Afterwards, the staff performing the search will submit a DC6-210, explaining the urgency justifying the search exception.

4. 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

4. Clothed searches of transgender/intersex inmates by male staff will only be conducted during an emergency situation as deemed by the Shift Supervisor or if the arrival of female staff will disrupt the normal daily operations of the institution. Afterwards, the staff performing the search will submit a 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.

2. Unclothed searches of transgender/intersex inmates will be conducted in an area that is out of view of unnecessary staff, visitors, and inmates; except in an emergency situation as deemed by the Shift Supervisor or if the search will disrupt the normal daily operations of the institution

4. Unclothed searches of inmates will not be conducted in areas that are under video monitoring/recording surveillance systems.

5. Unclothed searches of inmates will not be conducted in areas where staff of the opposite gender can observe.

Procedure # 602.036; Title: Gender Specific Security Positions, Shifts, Posts and Assignments  
Purpose: To set internal guidelines by which gender specific security positions, shifts, posts, and assignments are designated and used based on balancing the security and privacy interests of staff, inmates, and the general public.

(5) Strip Search, where used herein, refers to an unclothed body search done in accordance with Rule 33-602.204, F.A.C.

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.

5. All searches of inmates will be in accordance with "Contraband and Searches of Inmates," Procedure 602.018 and any other applicable authority.

(c) Special-use housing areas including corrections mental health treatment facilities as defined in section 945.42(8), F.S., crisis stabilization units, transitional care units, isolation management rooms, and medical infirmaries require additional gender specific assignment consideration in keeping with any specific conditional requirements for such housing that may conflict with staff's ability to effectively address privacy concerns for inmates housed there. Such requirements include the following:

1. Inmates are frequently on some type of enhanced supervision ranging from every 30 minutes to constant one-on-one observation. Such observation is required by medical/mental

health staff and many times involves inmates who either refuse or are incapable of keeping their genitalia, buttocks, and in the case of females, breasts covered appropriately.

2. Inmates on one-on-one constant “watch” status must be observed at all times, including when they are utilizing the toilet and bathing or showering.

Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response

4. Staff will not search or physically examine a potential GD inmate, transgender inmate, or intersex inmate for the sole purpose of determining the inmate’s genital status. If the genital status is unknown it can be determined through conversation with the inmate, by reviewing medical documentation or if necessary, through a broader medical examination conducted in private by a medical practitioner.

Housing Unit Log dated August 6, 2019

A log entry on this dated showed the announcement of female staff.

PREA Training Data for Warden

A document was provided in the OAS that showed training completed the facility Warden.

Comments:

Two post vacancies documentation was reviewed during the OAS process. The dates of the documentation were December 14 - 20, 2018 and March 22 – 28, 2019.

Documentation of training for security staff was provided in the OAS.

The training curriculum addresses all areas required by the PREA Standards.

Marion C.I. does not house female inmates.

Staff statements were consistent: there are no cross-gender strip searches, nor body cavity searches (can only be done by medical) and the proper methods for pat downs of a transgender/intersex inmate.

Inmates who identified as gay/bisexual stated that they did not feel scared of shower areas, however, did choose to shower while others were not using the areas. Also noted in the interviews with inmates that there was an equal response of those who wanted more screens in the shower area and those who did not think it was necessary. The auditor did not find the area to be lacking.

115.16	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Procedure # 604.101; Title: Americans with Disabilities Act Provisions for Inmates  Memo from Assistant Warden for Programs  Staff Training Database  My Florida Marketplace; Language Line Services Inc.; Copy of Language Translation Bill  Spanish Sexual Abuse Brochure  PREA Poster / Spanish  PREA Translator List (Staff)  DC6-134C Inmate PREA Orientation Receipt; English and Spanish  Training Record on ADA and PREA  Acknowledgement of Receipt of Orientation on The Prison Rape Elimination Act (PREA) of 2003 Form  Interviews with Inmates who have disabilities or are limited English Proficient  Interviews with staff  Site Review</p> <p>In the past 12 months, the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmate's safety, the performance of first response duties under §115.64, or the investigation of the inmate's allegations: 0</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Purpose: To establish zero-tolerance standards for sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in institutions and community corrections while protecting the rights of inmates and offenders, regardless of gender or sexual preference, through accountability of perpetrators and the punishment of those institutional and community correctional officials who fail to prevent, detect, and respond to sexual abuse, sexual battery, and sexual harassment crimes for incarcerated inmates and those offenders under Departmental jurisdiction.</p> <p>(e) Inmates:</p> <ol style="list-style-type: none"> <li>1. Each institution will ensure that the inmate orientation process will encourage inmates to immediately report any concern or fear of possible sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to correctional staff. This orientation will be conducted in accordance with "Inmate Orientation," Procedure 601.210.</li> <li>2. Inmates with recognized disabilities and Limited English Proficiency (LEP) shall be advised of the Department's zero tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with the resources outlined in Procedure 602.053 9 "Americans with Disabilities Act Provisions for Inmates," Procedure 604.101 and</li> </ol>

other Department resources as appropriate. Resources include:

- a. closed captioning (deaf/hard of hearing);
  - b. large print material (impaired vision);
  - c. reading of materials to inmate(s) by staff (blind/limited mental capacity);
  - d. the Department's translator list (LEP) <http://dcweb/co/sop/prea/files/FDC-translatorList.xlsx>; and
  - e. Language Line services (LEP) <http://dcweb/co/sop/prea/files/Language-Line.pdf>.
3. LEP inmates should be provided PREA education in their primary language.
4. All modifications to the PREA education process for LEP and disabled inmates should be documented on the "Acknowledgement of Receipt of Orientation on The Prison Rape Elimination Act (PREA) of 2003," DC6-134C.
5. Inmates shall not be used as interpreters or readers except in exigent circumstances.
6. Each institution will ensure that "Sexual Abuse Awareness," NI1-120 is distributed to inmates within the first 24 hours, and that the "Zero Tolerance for Sexual Abuse and Sexual Harassment," NI1-132, poster is clearly displayed, in both English and Spanish, in areas easily accessible to inmates, family members, and the public at each facility.

(f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but is not limited to:

1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;
2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment to the Office of the Inspector General;
3. taking immediate steps to ensure preservation of possible crime scenes, including appropriate evidence protection;
4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused or battered or of an inmate who may have reported the sexual abuse or sexual battery of another;
5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment; and
6. promptly reporting any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.

5. Inmates shall not be used as interpreters or readers except in exigent circumstances.

Procedure # 604.101; Title: Americans with Disabilities Act Provisions for Inmates

Purpose: To establish guidelines in accordance with the Americans with Disabilities Act of 1990, and section 504 of the 1973 Rehabilitation Act. To provide equal access to the Department's programs, services, and activities to inmates who have documented disabilities which affect major life activities.

(a) The Department will not discriminate based on disability in the provision of services, programs, and activities and will take reasonable steps to ensure that the rights of inmates with documented disabilities are addressed in a manner consistent with legitimate correctional interests.

(b) The Department is required to maintain in operable working condition those features of

facilities and equipment that are required by the ADA to be readily accessible to and usable by persons with disabilities.

(a) The Department is required to conduct an initial medical, dental, and mental health screening of all inmates entering the Department prior to transfer to permanent institutions. Screening is performed in accordance with "Health Services Intake and Reception Process," Procedure 401.014, and "Services for Inmates with Auditory, Mobility, or Vision Impairments and Disabilities," Health Services Bulletin 15.03.25. During the screening, staff will take reasonable steps to identify inmates with disabilities.

(a) The Department is required to authorize and/or provide reasonable accommodation(s) to inmates with documented disabilities to ensure accessibility for services, programs, and activities. When reviewing an inmate's request for an accommodation, decisions are based on the specific inmate's needs, capabilities as well as specific criteria for the program or activity. The Americans with Disabilities Act requires the Department to make decisions on a case-by-case basis with facts, not suppositions.

(b) Deaf or Hard of Hearing (D/HOH) Inmates – Disability Grade H:

1. The Department and Medical is required to afford reasonable accommodation(s) to inmates with documented hearing disabilities to ensure equally effective communication with staff, other inmates, and the public.

a. Closed Captioning for television(s)

f. Paper and writing instruments for written communication.

i. Telecommunication Device or Text Telephone (TTY) –

(b) Inmate with Vision Disability (IVD) – Disability Grade E:

1. The Department and Medical is required to afford reasonable accommodation to inmates with documented vision disabilities to ensure equally effective communication with staff, other inmates, and the public.

(16) INMATE PROGRAMS AND WORK ASSIGNMENTS: It is the intent of the Department to ensure that inmates with documented disabilities have the opportunity to participate in educational, vocational, and work programs.

(a) Inmates will be evaluated to participate in an educational, vocational or work program on a case-by-case basis. Eligibility to participate in any program depends on:

1. the inmate meeting the Department's requirements for the program or work assignment; and

2. the inmate's ability to perform the essential functions of the program with or without reasonable accommodation

(b) The Department is required to afford reasonable accommodation to inmates with documented disabilities to ensure equally effective communication with staff and other inmates.

Acknowledgement of Receipt of Orientation on The Prison Rape Elimination Act (PREA) of 2003 Form

"For the Record:

My signature below certifies that in addition to a general comprehensive orientation, I have

received orientation from staff members of the Florida Department of Corrections specific to the PREA. I have been provided information orally and in writing, including:

- An explanation of the PREA;
- The Department of Corrections' zero-tolerance policy on sexual abuse/assault;
- Avoiding/Preventing sexual abuse/assault;
- An explanation of appropriate methods of intervention;
- An explanation of appropriate methods of self-protection;
- Information on reporting sexual abuse/assault; and
- Instructions on the process to request treatment and counseling.

I understand it is my responsibility to stay abreast of any changes or updates concerning the PREA and/or the Department of Corrections' policies pertaining to the PREA.

I understand that if I have any questions, it is my responsibility to seek an appointment with a Department of Corrections staff member in an effort to resolve any misunderstanding(s).”

The form also contains location, dates, signature of the inmate (plus identifier), and staff witness signature.

#### Memo to the PREA Team from Assistant Warden for Programs

Inmates with either disabilities or LEP inmates will be provided with alternatives to accommodate participation in the PREA program such as videos and brochures tailored to their primary language...

#### Staff Training Database

Included in the OAS was examples of training completed training on ADA and PREA.

#### Comments:

The Florida Department of Corrections maintains a list of approved internal PREA translators. Marion CI has six (6) staff on the approved translator list. Four (4) are Spanish speaking, one (1) is Creole speaking and one (1) is Creole, French and Spanish Speaking.

The signature/document format for the offender's acknowledgement of receiving information on PREA is well laid out.

My Florida Marketplace; Language Line Services Inc.; Copy of Language Translation Bill showed a bill dated August 9, 2019 for \$2400.00.

The facility reports they have not used inmate interpreters, readers, or inmate assistants during this audit period. While interviewing those inmates who were LEP, all acknowledged that they had seen the Spanish PREA posters and knew what PREA was about. (One interview completed with an interpreter was difficult. The inmate being interviewed was not able to understand the interpreter. However, when the auditor pointed at a PREA poster, he was able to shake his head positively.)

At the time of the audit, the facility did not have inmates who met the qualifications of deaf or hard of hearing, blind or low vision, intellectual/psychiatric or speech difficulties.



115.17	<b>Hiring and promotion decisions</b>
	<p><b>Auditor Overall Determination:</b> Exceeds Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Materials Reviewed:  Procedure # 208.049; Title: Background Investigation and Appointment of Certified Officers  2019 Florida Statutes; 435.03 Level 1 Screening Standards  2019 Florida Statutes; 435.04 Level 2 Screening Standards  Criminal History Checks  Interview with Warden  Interview with Assistant Warden</p> <p>In the past 12 months:  The number of persons hired who may have contact with inmates who have had criminal background record checks: 61</p> <p>In the past 12 months:  The number of contracts for services where criminal background record checks were conducted  on all staff covered in the contract who might have contact with inmates: 0</p> <p>Procedure # 208.049; Title: Background Investigation and Appointment of Certified Officers  Purpose: To set forth guidelines for conducting background investigations that comply with Rule 11B-27.0022, F.A.C., to establish guidelines for hiring certified officers.</p> <p>(4) Background Investigation, where used herein, refers to a process of verifying an applicant’s qualifications for a certified class.</p> <p>(3) PRELIMINARY BACKGROUND INVESTIGATION AND DOCUMENT COLLECTION: (a)  The DC2-854 or DC2-855 will be reviewed for completeness, applicant contact information, applicant processing history, the appropriate requisition will be entered in PATS, and the initial background investigation conducted as follows:</p> <ol style="list-style-type: none"> <li>1. Review records on the FDLE ATMS for: <ol style="list-style-type: none"> <li>a. pending or prior officer discipline;</li> </ol> </li> <li>3. Check the following Corrections Data Center (CDC) screens: <ol style="list-style-type: none"> <li>a. the Offender Registration screen by applicant name, race/sex, and date of birth; and then separately by social security number to determine if the applicant is a former or current inmate or offender. If an applicant is currently under the supervision of the Department, s/he will not be considered for employment in a certified job class.</li> <li>b. the Investigation Information screen to determine if the applicant has previously failed a drug test</li> </ol> </li> </ol>

or background investigation.

4. Check the Human Resources Tracking System (HRTS) database for prior discipline.

6. Obtain an FCIC/NCIC criminal history report. The FCIC/NCIC report will be used to determine whether the applicant has been convicted of or pled guilty to a felony or a misdemeanor involving perjury or false statement and determine whether her/his prior criminal record violates the NI1-088.

(6) CRIMINAL RECORD REVIEW:

(a) If it is determined that the applicant has a criminal record, regardless if it is sealed or expunged, field staff will complete the "Criminal Record Review," DC2-8021, and ensure the appropriate supporting documentation is provided, based on the following:

1. For any criminal record within the last five years, regardless of the offense level or disposition, and for any criminal record older than five years, with a final disposition of Procedure 208.049 11 guilty, adjudication withheld, or a plea of nolo contendere, the supporting documentation will contain:

a. documentation from the Clerk of the Court indicating the final disposition with verification the requirements of the court order were satisfied;

b. a signed statement describing the incident leading to her/his arrest(s)/conviction(s);

c. a police report detailing the events that transpired and lead to the applicant's arrest. If a police report is not available, a signed affidavit attesting that the applicant's written statement is true and accurate.

2. for any criminal record, older than five years, with a final disposition of not guilty, dropped/abandoned, or nolle prosequi, the supporting documentation will contain:

a. documentation from the Clerk of the Court indicating the final disposition with verification the requirements of the court order were satisfied;

b. a signed statement describing the incident leading to her/his arrest(s).

(b) 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 NI1-088.

(c) If an applicant, who has a criminal record as described in section (6)(a)(1) of this procedure, is unable to produce a police report, the Hiring Authority should forward the available documents to the Approving Authority for review and approval.

(a) Once the background investigation has been completed, or at any time during the course of the investigation, field staff 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, field staff may schedule a discrepancy interview with the applicant and attempt to resolve inconsistent information. The results of the interview will be documented on the DC2-8050 or DC2-8019.

(c) the investigation was completed in accordance with this procedure. OHR will pay particular attention to whether or not the applicant meets the following requirements:

4. has not been convicted of a felony or a misdemeanor involving perjury or a false statement;

5. has not, after July 1, 1981, plead guilty or nolo contendere to or been found guilty of a felony or a misdemeanor that involves perjury or a false statement, whether or not adjudication was withheld, or sentence suspended;

7. is of good moral character and does not have a traffic violation(s) conviction that has been determined to be unacceptable for employment based on the NI1-088;

(11) INELIGIBLE FOR EMPLOYMENT:

(a) Field staff may determine the applicant is not eligible for employment at any point during the background investigation.

(3) Preliminary Background Investigation and Document Collection:

2. Conduct a driving record check as outlined below:

a. For Florida licenses, a review will be conducted online using DAVID for the Department of Highway Safety and Motor Vehicles (DHSMV). A Personnel Technician will:

- i. verify that the driver license is valid;
- ii. check driving history for points and offenses; and
- iii. compare the results against the NI-088.

b. If the applicant is from another state, the driver information will be obtained through the appropriate agency in that state and an out-of-state driver license query will be made in FCIC/NCIC.

3. Check the following Corrections Data Center (CDC) screens:

a. the Offender Registration screen by applicant name, race/sex, and date of birth; and then separately by social security number to determine if the applicant is a former or current inmate or offender. If an applicant is currently under the supervision of the Department, s/he will not be considered for employment in a certified job class.

b. the Investigation Information screen to determine if the applicant has previously failed a drug test or background investigation.

4. Check the Human Resources Tracking System (HRTS) database for prior discipline.

6. Obtain an FCIC/NCIC criminal history report. The FCIC/NCIC report will be used to determine whether the applicant has been convicted of or pled guilty to a felony or a misdemeanor involving perjury or false statement and determine whether her/his prior criminal record violates the NI1-088. Additionally, the FCIC/NCIC report will be used Procedure 208.049 7 to satisfy the requirements of a local law enforcement check, as required by section 11B-27.002(3)(a)(2), Florida Administrative Code.

7. For applicants who have only lived in the state of Florida for the last ten years, a check of information contained in the CCIS will be utilized. CCIS information will be thoroughly reviewed and documentation of the CCIS check will be included in the background summary.

2019 Florida Statutes; 435.03 Level 1 Screening Standards

(1) All employees required by law to be screened pursuant to this section must undergo background screening as a condition of employment and continued employment which includes, but need not be limited to, employment history checks and statewide criminal correspondence checks through the Department of Law Enforcement, and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

2019 Florida Statutes; 435.04 Level 2 Screening Standards

(1)(a) All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records

checks through local law enforcement agencies.

Comments:

Facility utilizes the LIVE scan method on all staff. When a staff member is arrested, the facility is immediately notified by the law enforcement agency.

The facility also includes questions pertaining to PREA on an FDC application form, completed on- line by any interested applicant. (Viewed by Auditor).

Both the Warden and Assistant Warden addressed the application process and noted stringent background checks.

115.18	Upgrades to facilities and technologies
	<p><b>Auditor Overall Determination:</b> Meets Standard</p> <hr/> <p><b>Auditor Discussion</b></p> <p>Materials Reviewed: Interview with Warden Site Review 2019 Staffing Plan Review</p> <p>Comments: The facility reports no substantial expansion or modification has been made to existing facilities since the last PREA audit. However, they have installed six (6) cameras Main Unit culinary area as well as two (2) cameras in the north and south entrance sally ports since the last PREA audit.</p>

115.21	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Procedure # 108.015; Title: Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations</p> <p>Forensic Sexual Assault Examination Form</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p>PREA Sexual Assault Nurse List</p> <p>MOU with Creative Services Incorporated</p> <p>Office of the Attorney General; Florida Crime Prevention Training Institute Certificate</p> <p>PREA Brochure – English and Spanish</p> <p>Interviews with Staff</p> <p>Interview with SART Team Director</p> <p>Interview with Assistant Warden</p> <p>Interview with Health Services Administrator</p> <p>Interview with Rape Crisis Center Director</p> <p>Review of Investigation Files</p> <p>In the past 12 months:</p> <p>The number of forensic medical exams conducted: 0</p> <p>The number of exams performed by SANEs/SAFEs: 0</p> <p>The number of exams performed by a qualified medical practitioner: 0</p> <p>Procedure # 108.015; Title: Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations</p> <p>Purpose: To establish guidelines for the investigation of sexual abuse, sexual battery, sexual misconduct, staff on inmate sexual harassment or voyeurism allegations within the Department of Corrections.</p> <p>(3) Criminal Investigation, where used herein, refers to an investigation of allegations or suspicions that a person committed a crime.</p> <p>(7) INCIDENTS ON INSTITUTIONAL GROUNDS:</p> <p>(a) Correctional personnel responding to a sexual abuse, sexual battery, or sexual misconduct shall take all reasonable action to ensure the safety of all persons and to control and detain any suspects.</p> <p>(b) Correctional personnel shall separate the alleged victim and suspect.</p> <p>(c) Correctional personnel shall ensure all victims and other injured persons are provided appropriate first aid and that, as appropriate, emergency medical services are summoned.</p> <p>(d) The OIC shall be notified and respond to the scene of the crime without unnecessary delay.</p> <p>(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. Procedure 108.015 6</p> <p>(f) Each non-OIG Department employee who enters the crime scene shall complete an</p>

"Incident Report," DC6-210, prior to the end of her/his shift.

(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.

(j) The OIC shall ensure the names of all persons responding to the crime scene are recorded and provided to the responding Inspector or other law enforcement authority.

(k) Only Department staff authorized by the OIC, or an Inspector or other law enforcement authority and with a designated and immediate crime scene function may enter the crime scene.

(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).

(m) To the extent possible, the OIC or Incident Commander shall ensure all inmates who witnessed any sexual battery or sexual misconduct are segregated, unless exigent circumstances exist that the inmates cannot be segregated.

(n) No Department employee who has witnessed a sexual battery or sexual misconduct shall discuss the incident until after having been interviewed by an Inspector or other law enforcement authority, except as necessary for immediate security measures to be implemented.

(o) The OIC shall ensure the name(s) of all known persons that may have witnessed or may have knowledge of the incident be recorded on a DC6-210.

(p) Any witness statement, incident report, or supplemental report written regarding the facts or information surrounding a sexual battery or sexual misconduct shall be written and signed by the originator and unaltered by any employee.

(q) Any non-OIG employee who accompanies a victim of a sexual battery or sexual misconduct during medical transport or other transit and such victim provides information about the incident or identifies a suspect which contributed to her/his injury shall complete a DC6- 210. Procedure 108.015 7

(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.

(s) No suspect should be questioned about any criminal accusation until an Inspector or other Law Enforcement Officer is present, except as necessary for immediate security concerns to be dispelled.

(t) If an inmate in transit or working outside an institution is suspected of being involved in a sexual abuse, sexual battery, or sexual misconduct, correctional personnel shall secure the

inmate without delay.

(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.

(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 where physical evidence may be present 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) with appropriate follow-up interviews as outlined in OIG Procedures or Directives;
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; Procedure 108.015 9
8. during the victim review of the final Investigative Report process, ensure the victim, as applicable, is provided with the appropriate "Notice to Incarcerated Victims," 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. The victim or, if applicable, the person representing the victim, must be informed of the purpose of submitting evidence for testing and the right to request testing in accordance with "Evidence, Property, and Contraband Collection, Preservation, and Disposition," Procedure 108.017;
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

Forensic Sexual Assault Examination Form contains: General Information, Consent and Release, Medical History, Treatment and Follow up. The Forensic Examine Section contains: Pre-Assault History, Assault History, Assault Description, Assault Circumstances, Post Assault Activity, Clothing, General Physical Examination, Head, Neck and Oral Examination, Genital Examination, Photographs (if applicable), Toxicology and Lab Data, Evidence Collected and Placed in Kit, Sealing of the Evidence Kit. And signatures.

#### SPECIFIC PROCEDURES AND GUIDELINES:

(1) The reporting and investigation of sexual abuse, sexual battery, or sexual misconduct occurring while the individual is attended by a medical authority is not contemplated by this procedure, unless there exists reasonable suspicion that such abuse, battery, or conduct was a result of the commission of a crime or violation of FDC procedure or Florida Administrative Code.

(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, or instances that occur at community corrections offices, be the primary investigative unit of all sexual battery allegations occurring on Department property.

(3) 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 sexual abuse, sexual battery, sexual harassment, sexual misconduct, or voyeurism occurs, the Emergency Action Center (EAC) shall be notified without unnecessary delay. The OIC or the Incident Commander shall ensure that any sexual abuse, sexual battery, sexual harassment, sexual misconduct, or voyeurism is reported via MINS after notification to EAC.

#### Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response

(f) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident.

1. As appropriate, medical and mental health evaluation and treatment shall be offered to all inmates who have been sexually victimized in any Department or contracted facility and will be consistent with the community level of care. The evaluation and treatment of such victims shall include as appropriate, follow-up services, and, when necessary, referrals for continued care following a transfer to, or placement in, another facility, or a release from custody.

3. A mental health evaluation will be offered to any identified inmate-on-inmate abusers within 60 days of learning of such abuse history and, as appropriate, the abuser will be offered treatment.

(25) Victim Advocate, where used herein, refers to a qualified individual trained in rape crisis counseling.

5. Any inmate who alleges sexual abuse or sexual battery shall be given a copy of the NI1-

120 and advised of her/his right to access crisis intervention services, to have a forensic examination, and to have a victim advocate present during the forensic examination and/or the investigative interview, if s/he chooses. The provision of the NI1-120 and the advisement of rights shall be documented on a DC6-210.

#### PREA Brochure:

As a victim you will be offered a forensic medical examination, advocacy services (including advocate present during the exam and investigatory interviews), emergency medical treatment and crisis intervention services, tests for sexually transmitted infection and timely information about and timely access to emergency contraception and sexually transmitted infection prophylaxis.

#### MOU with Creative Services Incorporated

The Department and the Participating Entity agree to carry out their respective duties and responsibilities outlined below, subject to controlling law, policy(ies) and/or procedures, and in consideration of the mutual interests and understandings expressed herein.

A. Overview The Department and the Participating Entity agree to provide services to incarcerated victims of sexual violence in Marion County, in a manner that aligns with the Prison Rape Elimination Act (PREA) standards established by the U.S. Department of Justice, best practice standards in the field of sexual violence victim services, and commensurate with services available to sexual violence victims in the community at large.

#### B. Responsibilities of the Department

1. Any time that an incident or allegation of sexual abuse is discovered or reported that requires the activation of the Sexual Assault Response Team (SART) to conduct a forensic medical exam, the Department will call (if requested by the inmate victim) the Participating Entity to request a victim advocate to accompany the inmate during the sexual assault forensic exam;
2. Any time that an incident or allegation of sexual abuse is discovered or reported that does not require the SART activation, the Department will ensure that the victim receives the appropriate contact information, including the hotline number and mailing address for the Participating Entity;
3. Provide orientation and training regarding facility operations to the Participating Entity's staff and volunteers working in the facility with inmates, as needed or appropriate;

#### C. Responsibilities of the Participating Entity

1. Provide a 24/7 rape crisis hotline, staffed by certified victim advocates;
2. Provide a mailing address for inmate victims to send correspondence, and provide a response to correspondence within seven (7) business days;
3. Provide a certified victim advocate to respond to requests for advocacy accompaniment during sexual assault forensic exams and investigatory interviews within eight (8) hours of notification by the Department;
4. Provide follow-up victim advocate services and crisis intervention to inmate victims of sexual assault, as resources allow;
5. Provide the Department with the name of the advocate responding to a forensic exam, investigatory interview, or individual counseling/advocacy/follow-up session;
6. Maintain privileged communication with clients, as required by state and federal law and the Participating Entity's policies;
7. Terminate the hotline call or individual service session(s) if an inmate's need for services is not, or is no longer, primarily motivated by a desire to heal from sexual violence;

8. Provide inmates with referrals for treatment after release or upon transfer to another facility;
9. Provide inmates with information about how to report sexual abuse, including the correctional institution's responsibility to investigate each report and to protect inmates and staff who report from retaliation;

Comments:

The Office of Inspector General completes all administrative and criminal PREA Investigations.

PREA Sexual Assault Nurse List provides names of individuals who have had a background check completed by Central Office. They have been approved to enter the listed facilities related to PREA sexual assault forensic exams. The list was comprised of one (1) individual approved until 9/30/2019, one (1) approved until 7/31/2019 and fifteen (15) approved until 1/31/2020. It is the SART (Sexual Abuse Response Team) who responds to the facility to complete forensic exams. (Note the explanation of these Team earlier in the report.) There is no cost assigned to an inmate for this exam.

The PREA Brochure includes the Ocala-Marion County Domestic Violence/Sexual Assault Center address, website, telephone number and toll-free numbers. Discussion with the Ocala Rape Crisis Center also confirmed that there would be no cost associated for their advocacy.

Kellie Eberlein of the PREA Office received a certificate from the Attorney General Office for completing the Victim Services Practitioner Designation, a forty (40) hour training signed September 28, 2018. The Office of the Attorney General has awarded a Certificate for Victim Services Practitioner to Judy Cardinez-Harris, 2018 – 2021.

All staff interviewed stated that an advocate would be provided if an inmate made that request.

115.22	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Procedure # 108.003; Title: Investigative Process</p> <p>Procedure # 108.015; Title: Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p>Interviews with Staff</p> <p>Interview with Investigative Staff</p> <p>Review of Investigation Files</p> <p>Agency Website</p> <p>In the past 12 months:</p> <p>The number of allegations of sexual abuse and sexual harassment that were received: 3</p> <p>The number of allegations resulting in an administrative investigation: 1</p> <p>The number of allegations referred for criminal investigation: 2</p> <p>Procedure # 108.015; Title: Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations</p> <p><b>SPECIFIC PROCEDURES AND GUIDELINES:</b></p> <p>(1) The reporting and investigation of sexual abuse, sexual battery, or sexual misconduct occurring while the individual is attended by a medical authority is not contemplated by this procedure, unless there exists reasonable suspicion that such abuse, battery, or conduct was a result of the commission of a crime or violation of FDC procedure or Florida Administrative Code.</p> <p>(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, or instances that occur at community corrections offices, be the primary investigative unit of all sexual battery allegations occurring on Department property.</p> <p>(3) 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.</p> <p>(6) Whenever sexual abuse, sexual battery, sexual harassment, sexual misconduct, or voyeurism occurs, the Emergency Action Center (EAC) shall be notified without unnecessary delay. The OIC or the Incident Commander shall ensure that any sexual abuse, sexual battery, sexual harassment, sexual misconduct, or voyeurism is reported via MINS after notification to EAC.</p> <p>(7) INCIDENTS ON INSTITUTIONAL GROUNDS:</p> <p>(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.</p>

(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 where physical evidence may be present 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) with appropriate follow-up interviews as outlined in OIG Procedures or Directives;
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;

Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response

(4) RESPONSE:

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

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

(a) If the alleged sexual abuse or sexual battery occurred less than 72 hours prior to the reporting of the incident, post-sexual battery guidelines should be implemented immediately in an effort to Procedure 602.053 13 preserve and collect evidence, including immediate

notification to the Office of the Inspector General.

(b) If the alleged sexual abuse or sexual battery occurred more than 72 hours prior to the reporting of the incident, the Office of the Inspector General will be notified and will determine if physical evidence is likely to exist and whether it can be collected through a forensic examination before activating SART.

(c) Staff from the Office of the Inspector General will collect evidence as appropriate and if possible, SART will collect the clothing the inmate was wearing at the time of the alleged sexual abuse or sexual battery. (d) Neither the alleged victim nor abuser shall be allowed to shower or wash in any manner, until s/he is authorized to do so by the responding Inspector.

(e) In accordance with "Post-Sexual Battery Medical Action," Health Services Bulletin 15.03.36, no attempt will be made by medical staff to clean or treat the inmate unless the injuries are such that not treating them would cause deterioration of the inmate's medical condition.

(f) If injuries do not necessitate immediate outside medical attention, staff from the Office of the Inspector General will determine whether SART should be activated.

(g) Medical staff will ensure all facts and related information is documented completely and accurately on the "Alleged Sexual Battery Protocol," DC4-683M. The documents shall be maintained in the inmate's medical record.

(h) If an inmate is taken out of an institution for any reason related to a PREA incident, it must be ascertained what tests the victim received outside of the institution and copies of those results will be placed in the inmate's medical record. The medical records of the victim and suspected perpetrator, as identified by the Office of the Inspector General, will be reviewed and appropriate testing identified, in accordance with Health Services Bulletin 15.03.36.

(i) Treatment as appropriate will be offered to the victim and alleged perpetrator based on results of testing. Regardless of the results of any testing conducted, education, including education on STD and HIV/AIDS symptoms and transmission, will be provided to the victim and alleged perpetrator.

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

(a) When an allegation is returned to management (RM) from the Office of the Inspector General, the institution will be responsible for conducting a PREA administrative security investigation utilizing a "PREA Investigative Report," DC6-2079. Upon completion of this investigation, the facility will also be responsible for notifying the inmate(s) regarding the outcome of the investigation via an "Inmate Notification Administration Investigation Outcome," DC6-2080. Once completed, the DC6-2079 will be forwarded to the PREA Coordinator.

Procedure 602.053 16

(b) Unless the allegation is unfounded, following an inmate's allegation that a staff member has committed sexual abuse against her/him, the Warden or her/his designee shall inform the inmate via an "Inmate Notification PREA Staff Allegation," DC6-2081, whenever the staff member is no longer:

1. assigned to the facility; or

2. employed with the Department. (11)CASE RECORDS: Case or investigation records, including but not limited to, any criminal investigation, administrative investigation, medical evaluations and treatments, recommendations of post-release treatment, and counseling associated with allegations of sexual abuse or sexual battery shall be retained by the agency for ten years after the date of the initial collection or for the incarceration period of the victim or employment.

Procedure # 108.003; Title: Investigative Process

PURPOSE: To establish the authority, and responsibilities of the Office of the Inspector General's (OIG) responsibility, function, and processing of administrative, criminal, equal employment opportunity, contract, and whistle-blower investigations and to establish responsibility for the preservation of evidence and notifications of report dispositions.

(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. Procedure 108.003 8

(c) Unless otherwise directed by the CIG, the OIG shall conduct investigations made pursuant to sections 112.3187 through 112.31895, F.S., also known as the "Whistle-blower's Act."

(h) Every employee of the OIG who conducts an investigation, audit, inquiry, contract review, case management review, or compliance review shall conduct each investigation, audit, inquiry, contract review, case management review, or compliance review and carry out all duties free of perceived impairment to the independence of the Inspector General or the OIG.

(5) CRIMINAL INVESTIGATIONS - INSPECTOR SUPERVISOR RESPONSIBILITY:

(a) The Inspector Supervisor shall notify the Chief of Investigations or her/his designee of any special interest investigation.

(b) Upon completion of a special interest investigation or any case specifically assigned by the Inspector General or the Deputy Inspector General, the Inspector Supervisor shall forward the investigation through the chain of command for review, approval, and signature.

(6) CRIMINAL INVESTIGATIONS - INSPECTOR RESPONSIBILITY:

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

(n) The Inspector shall ensure all evidence submissions are made in accordance with the guidelines of the receiving laboratory or testing facility.

Comments:

The Office of Inspector General Investigator reported that it is uncommon for this facility to have a sexual abuse allegation. Due to the numbers, investigations occur quickly, unless the Investigator has a priority investigation. (The Investigator covers several facilities.)

All interviews indicated that the OIG would be contacted immediately upon an allegation, to ensure that the allegation started quickly.

115.31	<b>Employee training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.31</p> <p>Material Reviewed:</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response          PREA Training – Learning Objectives          PREA Curriculum / Lesson Plan          Interviews with Staff          Review of Staff Training Records / Signatures          Interview with Volunteers / Contractors who have Contact with Inmates          Review of Volunteer / Contractors Training Records</p> <p>In the past 12 months:</p> <p>The number of staff employed by the facility, who may have contact with inmates, who were trained or retrained in PREA requirements: 491</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response          (c) Training/Education: All staff training on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment related to PREA standards shall be developed by the Bureau of Staff Development and Training. All staff shall be thoroughly trained and informed regarding the Department’s zero-tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment at least every two years. In addition to the general PREA training, investigators, medical health care practitioners, and mental health care practitioners who work regularly with inmates shall complete specialized training. The general PREA training shall include:</p> <ol style="list-style-type: none"> <li>1. a statement on the Department’s zero-tolerance for sexual abuse and sexual harassment;</li> <li>2. how employees shall fulfill their responsibilities under this and related procedures and policies;</li> <li>3. an inmate’s right to be free from sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>4. the rights of both staff and inmates to be free from retaliation for reporting sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>5. the dynamics of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;</li> <li>6. common reactions to sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;</li> <li>7. how to detect and respond to signs of threatened and actual sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>8. how to avoid inappropriate relationships with inmates and offenders;</li> <li>9. how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and</li> <li>10. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</li> </ol>

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

(f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but is not limited to:

1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;
2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment to the Office of the Inspector General;
3. taking immediate steps to ensure preservation of possible crime scenes, including appropriate evidence protection;
4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused or battered or of an inmate who may have reported the sexual abuse or sexual battery of another;
5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment; and
6. promptly reporting any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.

(3) REPORTING: All incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment will be reported in accordance with: "Incident Reports - Institutions," Procedure 602.008; or "Incident Reports – Community Corrections," Procedure 302.045, as appropriate; and "Reporting Incidents to the Inspector General and Management Information Notification System," Procedure 108.007; and "Emergency Action Center," Procedure 602.012.

(4) RESPONSE:

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

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

## PREA Training – Learning Objectives

1. Explain the purpose of the federal Prison Rape Elimination Act of 2003 (PREA).
2. Define sexual abuse and sexual harassment allegation types referencing the appropriate Florida statutes and/or federal laws.
3. Define other terminology associated with PREA.
4. Recognize that the Department has established a zero-tolerance policy for sexual abuse and staff sexual misconduct within institutional and community supervision cultures.
5. Discuss an inmate's right to be free from sexual abuse and sexual harassment, including the right to dress, shower, and use toilet facilities out of view of staff of the opposite sex.
6. Recognize the rights of inmates/offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
7. Define "imbalance of power" within an institutional/community supervision setting.
8. Demonstrate how to properly communicate with inmates/offenders and staff, including gender nonconforming (GNC) or gender variant (GV) individuals, i.e., gay, lesbian, bisexual, transgendered, and intersex persons.
9. Explain the appropriate method to introduce/announce "opposite gender" correctional officers and supervision staff into an all-male or all-female housing unit.
10. Review how to conduct cross-gender pat-down searches and searches of GNC (to include transgender and intersex) -inmates/offenders in a professional and respectful manner consistent with security.
11. correctional environments.
12. Recognize the common reactions of sexual abuse and sexual harassment victims.
13. Describe how to avoid inappropriate relationships with inmates, offenders, and staff.
14. Identify a sexualized work environment.
15. Cite the dress code reference for uniformed and non-uniformed employees.
16. Describe the "code of silence" and explain how it impacts an agency.
17. Define the process for protecting an inmate who is at risk of imminent sexual abuse.
18. Name the available confidential methods for reporting suspected sexual abuse and sexual harassment.
19. Explain the requirement to report suspected or alleged sexual abuse and sexual harassment, as well as staff sexual misconduct per the Department's policies and procedures.
20. Cite the procedure for obtaining and utilizing non-inmate/offender interpreters for translation purposes when non-English speaking inmates/offenders or those with physical challenges want to report sexual abuse incidents.
21. Explain the responsibilities of staff "first responders" who receive initial information on alleged sexual abuse incidents of inmates.
22. Explain the responsibilities of staff "first responders" who receive initial information on alleged sexual abuse incidents of supervised offenders.
23. Outline the appropriate method of securing evidence and/or the crime scene involving a sexual abuse, sexual harassment, or staff sexual misconduct allegation.
24. Identify who is responsible for investigating sexual abuse within the Department and cite the procedure number.

The Department enforces a "zero tolerance" policy with regard to sexual abuse and sexual harassment. This means that the agency will not knowingly permit the sexual abuse and/or sexual harassment of or by any inmate, offender, or employee.

## PREA Curriculum / Lesson Plan

Purpose: This training is intended to impart to all correctional staff that the Florida Department of Corrections maintains a zero-tolerance standard for sexual abuse and sexual harassment within institutional and community supervision environments.

It also serves to instruct employees on the purpose and scope of the Prison Rape Elimination Act of 2003 (PREA) with its focus to prevent, detect, and respond to all reported and suspected cases of sexual abuse and misconduct.

The primary goal of PREA is to prevent sexual abuse and sexual harassment within institutional/confinement settings. The Department's objective, however, is to also prevent such abuses within the supervised offender population monitored by Community Corrections staff.

The updated standards have three goals: To prevent, detect and respond to sexual abuse.

The South-Eastern Centre Against Sexual Assault (CASA) website lists the following as feelings and emotions someone may experience after a sexual assault: • Powerlessness. • Loss of control. • Emotional numbness. • Denial. • Loss of confidence. • Disturbed sleep. • Flashbacks. • Hostility. • Anger. • Loss of sexual confidence. • Alienation/isolation. • Mood changes. • Low self-esteem. • Depression. • Fear. • Anxiety. • Guilt/self-blame. • Embarrassment. • Shame.

These feelings can become more intense within a confinement setting. First, the victim usually cannot avoid the "scene of the crime," particularly if she/she chooses not to report the incident and is not subsequently transferred to another facility.

Secondly, fear and anxiety can be intensified by the proximity of the perpetrator, or other potential perpetrators, and the possibility of future attacks. In addition, the fear of retaliation for reporting the initial assault can also be present. After the incident, the fear of contracting a sexually transmitted disease may become a focus of the victim.

Inmates and offenders who are victimized by staff members may see the situation as particularly hopeless since the abuse originates from an authority figure who is supposed to be respected and trusted while providing guidance to the inmate/offender.

The victim may be fearful to report the abuse, thinking that she/he will not be believed or that employee will not be disciplined. In addition, the victim may also believe that she/he will suffer substantial consequences for reporting the employee (false disciplinary or violation reports, retaliatory action, etc.) and therefore views the situation as impossible while continuing to endure abuse.

Inmates are first assessed by Health Services and Classification staff for potential victimization or for possible perpetration of abuse when undergoing assessment during the intake process at the reception center. The findings of the assessment are used to determine appropriate housing, security, and custody level. The assessment is to be completed again within 30 days

if additional information is received.

There are several options for inmates and/or friends/family members/others to report incidents of alleged sexual abuse or sexual harassment to any staff members, contractor, volunteer or outside entity:

- The TIPS line listed on numerous posters within each prison facility can be utilized to report PREA allegations. (Internal for inmates: \*8477 (star 8477), for the public: 1-866-246-4412
- Outside of the FDC reports can be made to Gulf Coast Children's Advocacy Center. Inmates dial 8466 at any facility to report to this entity who will forward the information back to the facility immediately.
- Form DC6-236 – "Inmate Request," which will be immediately referred to the Office of the Inspector General for review/action. This form can also be marked in response to the sentence stating, "Check here if this is an informal grievance •."
- "Grievance Form" DC1-303 - Request for Administrative Remedy or Appeal.
- Online electronic complaint form available on the agency's public website at <http://www.dc.state.fl.us/apps/igcomplaint.asp> for use by family, friends, interested parties.
- Direct calls or written complaints to the agency will be referred to the Office of Inspector General.

For inmate-involved incidents, the responding employee will notify the Shift Supervisor or Chief of Security who will initiate "Incident Report" form DC6-210 along with Management Information Notification System (MINS) report utilizing a PREA identification number issued by the Emergency Action Center (EAC).

- a. In the case of alleged sexual battery or abuse by an inmate, the first security staff member to respond to the report shall be required to 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 but not limited to, 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

Medical assistance shall be obtained for the inmate-victim, as well as referrals for post-trauma counseling services.

Administrative or Protective Confinement protocols for the inmate victim(s) and inmate-suspect(s) will be implemented in accordance with 33-602.220, F.A.C., if applicable.

The Office of the Inspector General will be notified.

If a supervised offender reports that a sexual abuse incident occurred at a contracted residential treatment facility, the staff member receiving the report will notify the Circuit Administrator who will then notify the Office of the Inspector General. The staff member will also notify local law enforcement and the Program Manager, who will notify his/her supervisor and the provider.

For an incident that was reported to have occurred at a facility outside the Department's control, the incident will be referred to the law enforcement agency that has jurisdiction in the area where the incident is alleged to have occurred. In this instance, it is not necessary to obtain a PREA number.

If the alleged incident is reported to have occurred while the offender was previously incarcerated in a state-controlled prison facility, the staff member will make an incident report and the allegation will be reported to the Office of the Inspector General. A PREA number will be needed to track the incident. In addition, the Warden or facility head where the allegation was reported will be responsible for notifying the Warden or facility head of the facility where the allegation occurred within 72 hours.

Documentation of incident(s) will be prepared in accordance with Procedure 302.045 – “Incident Reports - Community Corrections.”

#### Procedure 602.053, Section (5) Post Sexual Battery Guidelines

All efforts to preserve the crime scene and any physical evidence obtained from the inmate-victim or inmate-suspect will be made. The Sexual Assault Response Team (SART) will almost always (except in Dade County) respond and will collect physical evidence along with the Office of the Inspector General, if the response occurs within 72 hours.

Among the rights afforded inmates while incarcerated is the right to be free from sexual abuse and sexual harassment from other inmates and from staff. Such actions violate state and/or federal laws and can be civil and/or criminal in nature.

In addition to the rights of inmates/offenders to be free from all forms of sexual abuse, they should also be free from retaliation for reporting sexual abuse and sexual harassment. Likewise, staff members are also afforded the right to be free from retaliation for reporting sexual abuse issues.

#### Inmate-on-Inmate Abuse Abusive Sexual Contact:

Intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation. Non-Consensual Sex Acts are:

- Contact between the penis and the vagina or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vagina or anus.
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.

Includes “repeated” verbal statements or comments of a sexual nature to an inmate by another inmate such as:

- Profane, obscene language or gestures.
- Actions of a derogatory or offensive sexual nature.
- Statements conveyed through normal conversation with sexual or inappropriate connotation.
- Coercive statements of a sexual nature.
- Unwelcome sexual advances, and requests for sexual favors.

Comments:

All employees are cross trained for male and female inmates. The training addresses both males and females.

All employees receive training annually. They were able to quote the last time they attended in-service and were able to share what was covered within the training. Documentation of training was provided.

The PREA Training Learning Objectives listed above is an abbreviated list from the document provided to the auditor. In the Objectives each number is described in detail.

The training curriculum is much more detailed than the policy sections addressed above.

Recommendation:

In the PREA Training objectives, page 81; add the alleged perpetrator to the following:

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 but not limited to, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.

Other policies have included alleged perpetrator with the alleged victim.

115.32	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors Curriculum  Training Records  Training Sign-off Sheets: Staff, Medical, Contractors and Volunteers  Interviews with Volunteers and Contractors</p> <p>The number of volunteers and individual contractors, who have contact with inmates, who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response: 348  Volunteers: 65  Contractors: 283</p> <p>Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors Curriculum  Purpose: This training is intended to communicate that the Florida Department of Corrections maintains a zero-tolerance standard for sexual abuse, sexual assault, sexual battery, sexual harassment, and staff sexual misconduct within institutional and community supervision environments. It is directed to all interns, volunteers, and contracted staff who work in a correctional institution, Community Corrections office, or any other facility owned, operated, or under the control of the Florida Department of Corrections.</p> <p>It serves to instruct interns, volunteers, and contracted staff on the purpose and scope of the Prison Rape Elimination Act of 2003 with its focus to prevent, detect, and respond to all reported and suspected cases of sexual abuse and misconduct.</p> <p>What is the primary intent of the Prison Rape Elimination Act (PREA), to whom does PREA apply, and what are the purposes?</p> <p>The Act supports the elimination, reduction and prevention of sexual assault and rape within corrections systems. It does so by mandating national data collection efforts; providing funding for program development and research; and creating a national commission to develop standards and accountability measures. The Act provides for the analysis of the incidence and effects of prison rape in federal, state, and local institutions in order to provide information, resources, and recommendations designed to protect individuals from prison rape.</p> <p>The Act applies to all federal, state and local prisons, jails, police lockups, private facilities and community settings such as residential facilities.</p> <p>The purposes of this Act are to:</p> <ol style="list-style-type: none"> <li>1. establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;</li> <li>2. make the prevention of prison rape a top priority in each prison system;</li> <li>3. develop and implement national standards for the detection, prevention, reduction, and</li> </ol>

punishment of prison rape;

4. increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
5. standardize the definitions used for collecting data on the incidence of prison rape;
6. increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
7. protect the Eighth Amendment rights of federal, state, and local prisoners;
8. increase the efficiency and effectiveness of federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homeless; and
9. reduce the costs that prison rape imposes on interstate commerce

What are the three primary objectives of Procedure 602.053 - Prison Rape: Prevention, Detection, and Response?

1. To establish zero-tolerance standards for sexual assault/battery 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 detect, prevent, reduce and punish sexual assault/battery/harassment crimes for incarcerated inmates and those offenders under departmental jurisdiction.
2. To establish and provide implementation of standards for the detection, prevention, reduction and punishment of sexual assault/battery by increasing the availability of data, information and training on the incidence of sexual assault/battery consequently improving the management and administration of correctional facilities.
3. To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of a sexual assault, sexual battery, and/or sexual harassment.

What are the procedures for reporting incidents and/or allegations of prison rape?

The department maintains a zero-tolerance philosophy regarding inmate sexual battery/assaults. It is of primary importance that the prevention and the reporting of any allegation or act of inmate sexual assault and/or staff sexual harassment and staff sexual misconduct as outlined throughout the procedure be a priority of all agency staff, interns, volunteers and contractors. 5 NI1-127 (Revised 7/31/18)

All staff, inclusive of, wardens, circuit administrators, deputy circuit administrators, assistant wardens, chiefs of security, shift supervisors and department/section managers, interns, volunteers and contract employees will ensure that they foster an environment within their facility(ies) that clearly precludes sexual battery. This includes, but may not be limited to:

1. taking all reports concerning sexual battery seriously;
2. initiating immediate reporting of alleged sexual battery, staff sexual misconduct and staff sexual harassment to the Office of the Inspector General;
3. taking immediate steps to ensure preservation of possible crime scenes, inclusive of evidence protection;
4. taking all appropriate measures to ensure the safety of an inmate who may have been

- sexually battered or of an inmate who may have reported the sexual battery of another;
5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment;
  6. promptly reporting any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.
  7. ensuring non-harassment and non-humiliation of alleged victims or informants of sexual battery regardless of sexual preference or transgender status of the inmate(s).
  8. Classification and/or housing assignment staff and medical personnel will ensure that, within twenty-four (24) hours of arrival a screening of each inmate is conducted (by an authorized medical/mental health professional).

Any staff member who has reason to believe that an inmate demonstrates a sexually assaultive behavior or poses a risk for sexual victimization, even though an incident may not have occurred, will notify the shift supervisor.

Comments:

The Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors Curriculum includes a signoff sheet for those who have completed the training. Training is appropriate and staff sign an attendance roster.

<b>115.33</b>	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Exceeds Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 601.210; Title: Inmate Orientation  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interviews with Staff  Interviews with Inmates  Interviews with Intake Staff  Documentation of Inmates Receiving Information  Review of Posters  Site Review  Offender Education Materials  Inmate Handbook</p> <p>Of inmates admitted during the past 12 months:  The number who were given this information at intake: 2188 / 99.9%</p> <p>Of inmates admitted during the past 12 months whose length of stay in the facility was for 30 days  or more: 971 / 100%</p> <p>The number who received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake: 2188</p> <p>Procedure # 601.210; Title: Inmate Orientation  (2) Prison Rape Elimination Act (PREA), where used herein, refers to Part 115 of Title 28 of the Code of Federal Regulations (C.F.R.), National Standards to Prevent, Detect, and Respond to Prison Rape, under the "Prison Rape Elimination Act of 2003." PREA provides for analysis of the incidence and effects of prison rape in federal, state, and local institutions, and for information, resources, recommendations, and funding to protect individuals from prison rape.</p> <p>(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:  1. initial orientation,</p> <p>(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:  (d) information on PREA, the Department's zero tolerance policy and how to report incidents or suspicion of sexual abuse or sexual harassment via the "Sexual Abuse Awareness Brochure", NI1-120;</p>

(3) COMPREHENSIVE ORIENTATION:

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

3. the PREA,

(d) The PREA (Sexual Assault & Sexual Harassment Orientation) will include:

1. information on PREA and the Department's zero tolerance standard relating to sexual assault

2. the viewing of "PREA – What You Need to Know" DVD;

3. a realistic presentation on how to avoid sexual violence while incarcerated;

4. information on how to prevent and reduce the risk of sexual violence;

5. explanation of appropriate methods of self-protection and intervention;

6. information on how to report sexual assault to staff, including contact information for the Office of the Inspector General;

7. information on available sexual assault counseling and treatment; and

8. instructions on the process for requesting sexual assault counseling and treatment.

(e) The inmate will sign the "Acknowledgment of Receipt of Orientation on the Prison Rape Elimination Act (PREA) of 2003," 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.

(4) INSTITUTIONAL ORIENTATION:

(d) All inmates will receive information on the PREA, the Department's zero tolerance policy and how to report incidents or suspicion of sexual abuse or sexual harassment within 24 hours of receipt at a permanent facility

(e) An inmate will receive comprehensive PREA orientation within 30 days of receipt if the inmate:

1. has transferred to a new facility (not required if transfer is from parent institution to satellite facility and vice versa),

2. has been out to court for 30 days or more, or

3. has been out of Department custody for 30 days or more.

Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response

(a) Identification:

1. Initial orientation will be provided to all newly received inmates concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with "Inmate Orientation," Procedure 601.210.

2. Each time an inmate arrives at an institution, Health Services staff will screen the inmate upon arrival as soon as possible, and within 24 hours. This screening shall be conducted as part of the intake process to assess the inmate's sexual orientation, including whether the inmate identifies as LGBTI, and whether the inmate has a mental, physical, or developmental disorder that requires particularized medical or mental health care. This information will be documented in OBIS.

(e) Inmates:

1. Each institution will ensure that the inmate orientation process will encourage inmates to immediately report any concern or fear of possible sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to correctional staff. This orientation will be conducted in accordance with "Inmate Orientation," Procedure 601.210.

2. Inmates with recognized disabilities and Limited English Proficiency (LEP) shall be advised of the Department's zero tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with the resources outlined in Procedure 602.053 9 "Americans with Disabilities Act Provisions for Inmates," Procedure 604.101 and other Department resources as appropriate.

2. Inmates with recognized disabilities and Limited English Proficiency (LEP) shall be advised of the Department's zero tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with the resources outlined in Procedure 602.053 9 "Americans with Disabilities Act Provisions for Inmates," Procedure 604.101 and other Department resources as appropriate. Resources include:

a. closed captioning (deaf/hard of hearing);  
b. large print material (impaired vision);  
c. reading of materials to inmate(s) by staff (blind/limited mental capacity);  
d. the Departments translator list (LEP)<http://dcweb/co/sop/prea/files/FDC-TranslatorList.xlsx>;  
and

e. Language Line services (LEP) <http://dcweb/co/sop/prea/files/Language-Line.pdf>.

3. LEP inmates should be provided PREA education in their primary language.

4. All modifications to the PREA education process for LEP and disabled inmates should be documented on the "Acknowledgement of Receipt of Orientation on The Prison Rape Elimination Act (PREA) of 2003," DC6-134C.

5. Inmates shall not be used as interpreters or readers except in exigent circumstances.

6. Each institution will ensure that "Sexual Abuse Awareness," NI1-120 is distributed to inmates within the first 24 hours, and that the "Zero Tolerance for Sexual Abuse and Sexual Harassment," NI1-132, poster is clearly displayed, in both English and Spanish, in areas easily accessible to inmates, family members, and the public at each facility.

Comments:

The Inmate's PREA Education Facilitators Guide is well written and contains more detail than what is written above.

Inmates stated that they received their information (handbook, brochure, verbal and video) about PREA when they arrived at the facility. The large majority stated it was received within 20 – 30 minutes of arrival. A small minority stated that they received it within three (3) days. All stated that there was PREA posters 'all over'.

<b>115.34</b>	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials reviewed:  Investigating Sexual Abuse in Confinement Settings: Training for Corrections Investigators / Instructors  Guide / PRC  Verification of Training of Investigators/Records  Interview with Investigative Staff  Training Curriculum</p> <p>The number of investigators the agency currently employs: 96</p> <p>Comments:  The facility utilizes the curriculum “Investigating Sexual Abuse in Confinement Settings: Training for Corrections Investigators” created by the Moss Group. The facility investigator training records were provided. It included: New Inspector Legal Training, PREA and Sexual Harassment.</p> <p>The interview with the OIG Investigator showed he had a background in investigations. He was able to share the format used to initiate an investigation, techniques for interviewing sexual abuse victims and perpetrators, Miranda and Garrity, how evidence is collected, use of SART (Sexual Abuse Response Team) and how the investigation is moved forward for criminal proceedings.</p>

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Health Services Bulletin # 15.03.36; Subject: Post Sexual Battery Medical Action  Interview with Health Service Administrator  Interview with Psychologist</p> <p>The number of all medical and mental health care practitioners who work regularly at this facility  who received the training: 31  The percent of all medical and mental health care practitioners who work regularly at this facility  who received the training required by agency policy: 100%</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (c) In addition to the general PREA training, investigators, medical health care practitioners, and mental health care practitioners who work regularly with inmates shall complete specialized training. The general PREA training shall include:</p> <ol style="list-style-type: none"> <li>1. a statement on the Department’s zero-tolerance for sexual abuse and sexual harassment;</li> <li>2. how employees shall fulfill their responsibilities under this and related procedures and policies;</li> <li>3. an inmate’s right to be free from sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>4. the rights of both staff and inmates to be free from retaliation for reporting sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>5. the dynamics of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;</li> <li>6. common reactions to sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;</li> <li>7. how to detect and respond to signs of threatened and actual sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>8. how to avoid inappropriate relationships with inmates and offenders;</li> <li>9. how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and 10. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</li> <li>10. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</li> </ol> <p>(d) Contractors and Volunteers: The institution shall ensure that all contractors and volunteers who have contact with inmates are trained on their responsibilities under this and related policies via the Staff Development and Training lesson plan “Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors Read and Sign,” NI1-127. This training shall</p>

be administered to all contractors and volunteers every three years. In addition, the "PREA Brochure for Interns, Volunteers, and Contractors," NI1-125 will be distributed annually to all contractors and volunteers.

Health Services Bulletin # 15.03.36; Subject: Post Sexual Battery Medical Action

I. PURPOSE: The purpose of this health services bulletin (HSB) is to establish guidelines for the appropriate clinical management in an alleged incident of rape. Medical staff should also refer to "Prison Rape: Prevention, Detection, and Response," Procedure Manual 602.053 for additional postrape guidelines and responsibilities.

IV. SPECIALIZED TRAINING: All medical and mental health care practitioners who work regularly in Department of Corrections facilities, including contracted staff, will be trained in:

1. How to detect and assess signs of sexual abuse and sexual harassment;
2. How to preserve physical evidence of sexual abuse;
3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Comments:

Two (2) certificates of PREA training completion were noted on the OAS. Dates were included but the number of training hours said 0.0.

No forensic exams are completed by facility medical staff. All examinations are completed by SART (Sexual Abuse Response Team).

The Health Services Administrator shared that medical and mental health staff receive PREA education from FDC and from Centurion. (This staff is contract.) Protocols are in place for how medical and mental health staff are notified.

Both the Health Services Administrator and the Psychologist were well versed in PREA and their responsibilities.

115.41	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p>Procedure # 601.209; Title: Reception Process / Initial Classification</p> <p>IBAS IRMS Assessment</p> <p>PREA Screening Instrument – Initial and Reassessment</p> <p>Interviews with Inmates</p> <p>Interviews with Staff Responsible for Risk Screening</p> <p>Interview with Assistant Warden</p> <p>Interview with Facility PREA Auxiliary Staff</p> <p>Offender File Review to ensure screening within 72 hours</p> <p>Site Review</p> <p>In the past 12 months:</p> <p>The number of inmates entering the facility (either through intake or transfer) whose length of stay in the facility was for 72 hours or more who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility: 1328</p> <p>In the past 12 months:</p> <p>The number of inmates entering the facility (either through intake or transfer) who were reassessed for their risk of sexual victimization or being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received through intake: 971</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p>(a) Identification:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Each time an inmate arrives at an institution, Health Services staff will screen the inmate upon arrival as soon as possible, and within 24 hours. This screening shall be conducted as part of the intake process to assess the inmate’s sexual orientation, including whether the inmate identifies as LGBTI, and whether the inmate has a mental, physical, or developmental disorder that requires particularized medical or mental health care. This information will be documented in OBIS</li> <li>6. Housing for potential GD inmates, transgender inmates, and intersex inmates will be determined on a case by case basis. The inmate’s safety as well as the safety and the security of the institutional compound will be taken into consideration when making the housing determination. Housing will be determined as outlined in “Identification and Management of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria”, Procedure 403.012.</li> <li>9. Transgender and intersex inmates shall be given the opportunity to shower separately from</li> </ol>

other inmates. The inmate's preference will be documented on the risk assessment and the inmate will be provided a printout of her/his preference.

10. Classification will screen all inmates within 72 hours of intake. Characteristics such as the inmate's age, criminal record, and prior identified history of sexual victimization or predation will be utilized to help determine if s/he is at risk of future victimization of sexual abuse, sexual battery, or is at risk of committing sexual abuse or sexual battery. If s/he is identified as a potential victim or abuser (perpetrator); housing, bed, and work assignments will be appropriately assigned based on known information and established protocol.

11. Within 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.

12. An inmate's risk level will be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

13. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions asked during the risk screening.

14. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status. Inmates at high risk of victimization will not be involuntarily segregated unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers.

15. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.

Procedure # 601.209; Title: Reception Process / Initial Classification

(2) ONE-DAY PROCESSING:

(a) An inmate will be processed and transferred on the same day if s/he is:

2. a potential threat or has threatened others, or

3. a threat to institutional operations and security as determined by the Warden or designee.

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

(i) screening for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of intake in accordance with Prison Rape Elimination Act National Standards, as well as to determine an initial Sexual Risk Indicator score.

IBAS IRMS Assessment is read to each inmate prior to beginning the assessment: "The following questions are solely designed to assist the Department of Corrections in complying with the Prison Rape Elimination Act in Providing a Safe and Secure Environment for all inmates." "While these questions may be uncomfortable, you are encouraged to answer them honestly."

A condensed version of the questions follows:

Orientation?

Gender Identity?

Observation by the Assessor.

Victim while Incarcerated – FDC?

Committed Sexual Abuse – FDC?

Victim – Other Correctional Setting?  
Committed Sexual Abuse – Other Correctional Setting?  
Victim – While Not Incarcerated?  
Committed Sexual Abuse – While Not Incarcerated?  
Assessor – Knowledge of Victimization.  
Assessor – Knowledge of Predatory Behavior  
Familiar with Prison Environment?  
Currently being Approached or Pressured?  
Assessor – Knowledge of Historical Arrest Circumstances

Comments:

IBAS IRMS Assessment is a precursor to the Sexual Abuse Assessment. The responses to the IBAS is placed into the agencies database and is systematically placed in appropriate areas.

The IBAS Factors and Scores / Profile Comparison Form shows the inmates assigned to a specified dorm, wing, floor and cell. Besides personal characteristics, it shows the results of the IBAS.

When staff are assigning an inmate to a bed in their database, the system will not allow assignment if, as an example; a vulnerable inmate would be assigned next to a predator. The staff making the bed assignment would not know the reason for not allowing the assignment, only that the individual could not be assigned to that bed.

A total of twenty (25) random files were reviewed to determine arrival date, orientation date, assessment and reassessment dates. Of those reviewed, there was only one late reassessment.

115.42	<b>Use of screening information</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  IBAS Factors and Scores / Profile Comparison  IM70 - Housing Integrated Assessment &amp; Placement System  AS14 0 IRN 79 Printout  Interview with Assistant Warden  Interview with Intake Sergeant  Review of Housing Assignments  Interviews with Gay and Bisexual Inmates  Site Review</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p>10. Classification will screen all inmates within 72 hours of intake. Characteristics such as the inmate’s age, criminal record, and prior identified history of sexual victimization or predation will be utilized to help determine if s/he is at risk of future victimization of sexual abuse, sexual battery, or is at risk of committing sexual abuse or sexual battery. If s/he is identified as a potential victim or abuser (perpetrator); housing, bed, and work assignments will be appropriately assigned based on known information and established protocol.</p> <p>11. Within 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.</p> <p>12. An inmate’s risk level will be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.</p> <p>13. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions asked during the risk screening.</p> <p>14. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status. Inmates at high risk of victimization will not be involuntarily segregated unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers.</p> <p>15. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.</p> <p>6. Housing for potential GD inmates, transgender inmates, and intersex inmates will be determined on a case by case basis. The inmate’s safety as well as the safety and the security of the institutional compound will be taken into consideration when making the housing determination. Housing will be determined as outlined in “Identification and Management of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria,” Procedure 403-012.</p> <p>8. GD, transgender, and intersex inmates will be assessed biannually by classification. An interview will be conducted as well as a review of their housing, program and work assignments to determine if there are any necessary changes or threats to the inmate’s safety.</p>

## IM70 Housing Integrated Assessment & Placement System

This printout covers: Identification information, IBAS SCR Designation, Custody Scores, Assaultive and Violence Scores, etc. It also identifies the information on the AS140 IRN as listed under Comments below.

### Comments:

AS140 IRN Printout contains those items listed above as well as the following coding:

IPD - IDENTIFIED PREDATOR

PPD - POTENTIAL PREDATOR

HAR - HIGH AGGRESSION RISK

MAR - MODERATE AGGRESSION RISK

IPY - IDENTIFIED PREY

PPY - POTENTIAL PREY

HVR - HIGH VICTIMIZATION RISK

MVR - MODERATE VICTIMIZATION RIS

INZ - IDENTIFIED NEUTRAL ZONE

NSR - NEUTRAL RISK

The IBAS Factors and Scores / Profile Comparison Form shows the inmates assigned to a specified dorm, wing, floor and cell. Besides personal characteristics, it shows the results of the IBAS.

When staff are assigning an inmate to a bed in their database, the system will not allow assignment if, as an example; a vulnerable inmate would be assigned next to a predator. The staff making the bed assignment would not know the reason for not allowing the assignment, only that the individual could not be assigned to that bed.

At the time of the audit, the facility did not house a transgender or intersex inmate. If they were to do so, they would follow the sections in standard 115.42.

115.43	<b>Protective Custody</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  F.A.C. 33-602.220 Administrative Confinement  Interview of Warden</p> <p>The number of inmates at risk of sexual victimization who were held in involuntary segregation housing in the past 12 months for one to 24 hours awaiting completion of assessment: 0</p> <p>In the past 12 months, the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p>From a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reasons why alternative means of separation could not be arranged: 0 (n/a)</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  14. ...Inmates at high risk of victimization will not be involuntarily segregated unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers.</p> <p>F.A.C. 33-602.220 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</p> <p>Comments:  The Warden stated that a confinement housing assignment may be for twenty-four (24) hours. At that point, alternative housing would be sought. It could be movement to another housing unit for either a victim or perpetrator or a transfer. If it were to happen, a review would occur every thirty (30) days.</p>

115.51	<b>Inmate reporting</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response Zero-Tolerance Posters (English and Spanish) Florida Department of Corrections Sexual Abuse Awareness Brochure (English and Spanish) PREA - Instructions for Filing a Third-Party Grievance – Website PREA Incident Report – Sexual Harassment – Inmate on Inmate Interviews of Staff Interview of Inmates Interview of Assistant Warden Site Review Policy on those Held for Immigration Employee Handbook</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response (3) REPORTING: All incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment will be reported in accordance with: “Incident Reports - Institutions,” Procedure 602.008; or “Incident Reports – Community Corrections,” Procedure 302.045, as appropriate; and “Reporting Incidents to the Inspector General and Management Information Notification System,” Procedure 108.007; and “Emergency Action Center,” Procedure 602.012.</p> <p>(a) The following methods are available for inmates and offenders to report incidents of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment:</p> <ol style="list-style-type: none"> <li>1. a verbal report to any staff member, volunteer, or contractor;</li> <li>2. calling the TIPS line (866-246-4412 or *8477 for inmates); Procedure 602.053 10</li> <li>3. calling an outside entity (Gulf Coast Children’s Advocacy Center) and report (850-832- 3905 or 8466 for inmates);</li> <li>4. filing an “Inmate Request,” DC6-236;</li> <li>5. filing an informal and/or formal grievance;</li> <li>6. having a family member, friend, or other member of the public fill out the online Citizen’s Complaint form;</li> <li>7. having a family member, friend, or other member of the public submit a third-party grievance;</li> <li>8. write or e-mail the Office of the Inspector General;</li> <li>9. write or e-mail the PREA Coordinator.</li> </ol> <p>(f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes but is not limited to</p> <ol style="list-style-type: none"> <li>1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;</li> <li>2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment to the Office of the Inspector General;</li> </ol>

(4) RESPONSE:

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

(c) Staff will not reveal any information related to the sexual abuse or sexual harassment allegation to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.

PREA - Instructions for Filing a Third-Party Grievance is located on the Website Florida Department of Corrections

Incident Report / January 28, 2019

This incident Report was viewed during the pre-audit phase. An inmate verbally reported to a staff member that another inmate was sexually harassing him. He stated that he was not in fear. The Incident Report contained the levels of review and decision.

Employee Handbook - Issued July 2018

Prison Rape Elimination Act (PREA)

The Department is responsible for providing inmates and offenders with a safe environment, free from sexual abuse, sexual battery and sexual harassment. The Department has a zero tolerance for sexual abuse, sexual battery and sexual harassment which applies to incidents between inmates, as well as, incidents involving staff, contractors and volunteers. The Department will:

- Educate and train staff, contractors and volunteers of their responsibilities under PREA and Department of Corrections Procedures;
- Educate inmates regarding their rights under PREA at initial intake and at their permanent facility;
- Provide methods for inmates to report incidents involving violations;
- Provide sexually victimized inmates with emergency medical treatment and crisis intervention services as deemed appropriate by medical and mental health practitioners; and
- Require all staff members, contractors and volunteers to report any incidents or allegations of sexual abuse, sexual battery or sexual harassment immediately.

Comments:

PREA - Instructions for Filing a Third-Party Grievance is on the Department's website.

The agency does not detain inmates solely for civil immigration purposes.

The PREA brochures were inclusive.

Verbal reports must be documented and submitted prior to the end of shift.

Staff report that they can report to any supervisor privately, to include the OIC, Major, Colonel, Classification Supervisor, Assistant Warden and Warden.

Staff are notified of procedures by Annual In-Service Training, Employee Handbook.

Inmates were able to list all of the ways that they can report: TIPS Hotline (anonymous), PREA Hotline, Reporting to Security Staff and their Family, Filing a Grievance or Request (with or without their name), Reporting to Medical, and by writing letters.

A test of the phone system at the facilities showed that calls could be made to the TIPS Hotline.

115.52	<b>Exhaustion of administrative remedies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed  33-103.006 Formal Grievance – Institution or Facility Level  Inmate Orientation Handbook (English and Spanish)  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interview with Inmates  Interview with Supervisors</p> <p>The past 12 months:  The number of grievances filed that alleged sexual abuse: 1  The number of grievances alleging sexual abuse that reached final decision within 90 days after being filed: 1  In the past 12 months, the number of grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days: 0</p> <p>The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate’s decision to decline: 0</p> <p>The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: 0  The number of those grievances that had an initial response within 48 hours: 0  In the past 12 months, the number of inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith: 0</p> <p>The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days: 0</p> <p>33-103.006 Formal Grievance – Institution or Facility Level  (1) When an inmate decides to file a formal grievance, he or she shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal,</p> <p>(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</p>

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.

(j) Grievances alleging sexual abuse as defined in subsection 33-103.002(17), F.A.C.

F.A.C. There is no time limit on when an inmate or third party may initiate a grievance regarding allegations of sexual abuse.

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.

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".

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.

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

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.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraph 33-103.002(15), F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33- 103.011(3)(b), F.A.C.

Inmate Orientation Handbook includes:

#### Grievances

The Department has a grievance process available for you to resolve issues you may have. You are encouraged to make every effort to resolve your issue prior to filing a grievance. There are two types of grievances, informal and formal. Grievance types and procedures will be explained to you during orientation and can be found in Rule 33-103, Florida Administrative Code.

#### Prison Rape Elimination Act

In accordance with the Prison Rape Elimination Act (PREA) of 2003, the Department has adopted a zero-tolerance policy toward sexual assault/battery and sexual harassment by inmates or staff. If you feel that any of these have happened to you or another inmate, immediately notify a staff member so that appropriate action can be taken. Additionally, posters with a toll-free, secure numbers (speed dial \*8477 – TIPS & 8466 – external reporting line) can be found in the common areas of the institution. All calls made to these secure lines will not be recorded. Additionally, all calls made to the advocacy hotline (speed dial 8499) will remain confidential. The Department takes all allegations very seriously and investigates all reports of sexual abuse and sexual harassment.

There is no such thing as legal consensual sex in prison. Department of Corrections policy and the law prohibit sexual behavior between inmates. Those who commit sexual assault/battery or sexual harassment face legal action. If necessary, the Department will seek outside criminal charges.

If you require victim advocacy services, all provided information will be kept confidential, except information that requires mandatory reporting, such as if you intend to harm yourself or someone else. If you would like the victim advocate to report a PREA allegation for you, you must sign a release of information.

Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response

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

#### Comments:

Agency policy follows the standards of 115.52. Interviews with supervisors showed that they were aware of the time frames noted within the policy. Inmates were aware that they could file a grievance without restriction to the passage of time.

115.53	<b>Inmate access to outside confidential support services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response          PREA Posters (Spanish and English)          Sexual Abuse Awareness Brochure (Spanish and English)          Inmate Orientation Handbook (Spanish and English)          MOU with Creative Services Incorporated          Interview with Inmates          Interview with Intake Officer          Site Review</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response          (25) Victim Advocate, where used herein, refers to a qualified individual trained in rape crisis counseling.</p> <p>5. Any inmate who alleges sexual abuse or sexual battery shall be given a copy of the NI1-120 and advised of her/his right to access crisis intervention services, to have a forensic examination, and to have a victim advocate present during the forensic examination and/or the investigative interview, if s/he chooses.</p> <p>(e) ... Additionally, the victim will be offered support services by means of a mailing address and/or telephone numbers to local community support group organizations, where available.</p> <p>Inmate Orientation Handbook (Spanish and English)          Prison Rape Elimination Act          All calls made to these secure lines will not be recorded. Additionally, all calls made to the advocacy hotline (speed dial 8499) will remain confidential. The Department takes all allegations very seriously and investigates all reports of sexual abuse and sexual harassment.</p> <p>If you require victim advocacy services, all provided information will be kept confidential, except information that requires mandatory reporting, such as if you intend to harm yourself or someone else. If you would like the victim advocate to report a PREA allegation for you, you must sign a release of information.</p> <p>Sexual Abuse Awareness Brochure (Spanish and English) includes:          HOW TO REPORT:          1. Tell any staff member          2. Call *TIPS (enter 1, then 8, then *8477)          3. Call 8466 to report to an outside agency (enter 1, then 1, then 8466)          4. Submit an inmate request or grievance          5. Tell a friend or family member who can report for you</p> <p>VICTIM ADVOCATE INFORMATION:</p>

1. Call 8499 (enter 1, then 1, then 8499)
2. Write to: P.O. Box 2193 Ocala, FL 34478 (352) 622-8495

#### MOU with Creative Services Incorporated

The Department and the Participating Entity agree to provide services to incarcerated victims of sexual violence in Marion County, in a manner that aligns with the Prison Rape Elimination Act (PREA) standards established by the U.S. Department of Justice, best practice standards in the field of sexual violence victim services, and commensurate with services available to sexual violence victims in the community at large.

#### C. Responsibilities of the Participating Entity

1. Provide a 24/7 rape crisis hotline, staffed by certified victim advocates;
2. Provide a mailing address for inmate victims to send correspondence, and provide a response to correspondence within seven (7) business days;
3. Provide a certified victim advocate to respond to requests for advocacy accompaniment during sexual assault forensic exams and investigatory interviews within eight (8) hours of notification by the Department;
4. Provide follow-up victim advocate services and crisis intervention to inmate victims of sexual assault, as resources allow;
5. Provide the Department with the name of the advocate responding to a forensic exam, investigatory interview, or individual counseling/advocacy/follow-up session;
6. Maintain privileged communication with clients, as required by state and federal law and the Participating Entity's policies;
7. Terminate the hotline call or individual service session(s) if an inmate's need for services is not, or is no longer, primarily motivated by a desire to heal from sexual violence;
8. Provide inmates with referrals for treatment after release or upon transfer to another facility;
9. Provide inmates with information about how to report sexual abuse, including the correctional institution's responsibility to investigate each report and to protect inmates and staff who report from retaliation;
10. Communicate any questions or concerns to the Assistant Warden of Programs at the correctional institution;
11. Ensure their staff performing services attend orientation and training, as provided by the Department, regarding facility operations; and 1
12. Ensure their staff performing services under this Agreement at institutional sites are screened and/or tested for tuberculosis (TB) prior to the start of service delivery, but no later than two (2) weeks after starting employment, as appropriate, and screened/tested annually thereafter, as required by Department Procedure 401.015, Employee Tuberculosis Screening and Control Program. The Participating Entity shall provide the Institutional Director of Nursing with proof of testing. The Participating Entity shall be responsible for obtaining the TB screening/testing. The Participating Entity shall bear all costs associated with the TB screening/testing for their staff or subcontractor staff.

#### Comments:

Marion C.I. does not detain inmates solely for civil immigration purposes.

As previously mentioned, the facility provides a TIPS hotline (confidential) for inmate use.

As noted in the Inmate Handbook: "All calls made to these secure lines will not be recorded. Additionally, all calls made to the advocacy hotline (speed dial 8499) will remain confidential." Inmates are aware that their use of this call is anonymous.

The facility has a relationship with the Ocala Rape Crisis Center for advocacy services. As noted earlier in this report, the auditor spoke with the agency Director, who is very familiar with the PREA statute.

115.54	Third-party reporting
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Materials Reviewed: Instructions for Filing Third Party Grievances  Comments: Third parties may report via a third-party grievance, via the citizens complaint form on the Department website or by phone, mail, or email to any administrator at the Department.

115.61	<b>Staff and agency reporting duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interview with Warden  Interview with Assistant Warden  Interviews with Staff  Interviews with Medical Staff  Interviews with Mental Health Staff</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Purpose: To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment.</p> <p>(f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;</li> <li>2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment to the Office of the Inspector General;</li> </ol> <p>a. Institution: Any employee, volunteer, or contractor who observes, has knowledge of, or receives information, written or verbal (either first hand or from a third party), regarding the fear of, coercion into, or actual sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will immediately notify the Shift Supervisor, the Chief of Security, the Warden, or the Office of the Inspector General, who will then take immediate steps to evaluate the inmate's concern/allegation.</p> <ol style="list-style-type: none"> <li>1. Any employee who fails to report or take immediate action regarding these incidents, or intentionally manifest actions to embarrass, demean, or humiliate any victim or informant, or trivializes a report of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will be subject to discipline, up to and including termination</li> <li>4. the rights of both staff and inmates to be free from retaliation for reporting sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;</li> <li>5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment; and</li> <li>6. promptly reporting any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.</li> </ol>

(c) Staff will not reveal any information related to the sexual abuse or sexual harassment allegation to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.

(b) If during a screening or services, medical and mental health practitioners gain knowledge of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment that did not occur in an institutional setting they shall obtain informed consent from the inmate before reporting the information, unless the inmate is under the age of 18. This informed consent shall be documented as received on a DC6-210.

Comments:

All interviewed staff were able to state their responsibility to immediately report any knowledge or indication of sexual abuse or sexual harassment. In addition, they understood the policy related to not sharing any knowledge or suspicion of sexual misconduct other than what is required by policy.

Staff were able to share the steps that would be taken if there was an allegation of sexual abuse or harassment, to include the call to the Office of Inspector General for an Investigation.

115.62	<b>Agency protection duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interview with Warden  Interviews of Staff</p> <p>In the past 12 months, the number of times the agency or facility determined that an inmate was subject to substantial risk of imminent sexual abuse: 0  If the agency or facility made such determinations in the past 12 months, the average amount of time that passed before taking action: n/a  The longest amount of time elapsed before taking action, if not immediate (please explain): n/a</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  10. Classification will screen all inmates within 72 hours of intake. Characteristics such as the inmate's age, criminal record, and prior identified history of sexual victimization or predation will be utilized to help determine if s/he is at risk of future victimization of sexual abuse, sexual battery, or is at risk of committing sexual abuse or sexual battery. If s/he is identified as a potential victim or abuser (perpetrator); housing, bed, and work assignments will be appropriately assigned based on known information and established protocol.  12. An inmate's risk level will be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.  14. Inmates perceived to be vulnerable will be housed and given work/program assignments consistent with custody level and medical status. Inmates at high risk of victimization will not be involuntarily segregated unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers.  15. Inmates perceived to be predatory will be housed and given work/program assignments consistent with custody level and medical status.</p> <p>2. Any staff member will notify the Shift Supervisor if s/he observes an inmate acting in what appears to be a sexually threatening or coercive manner, or if the staff member has reason to believe that an inmate poses a risk of being sexually victimized.</p> <p>Comments:  Interviews showed that staff know that if an inmate is in imminent danger they are to react immediately. They report that they will remove the inmate from the area and call the Officer in Charge for further instruction.</p>

115.63	<b>Reporting to other confinement facilities</b>
	<p data-bbox="252 275 895 309"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 353 523 387"><b>Auditor Discussion</b></p> <p data-bbox="252 432 1281 589">Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interview with Warden  Interview with Assistant Warden</p> <p data-bbox="252 689 1401 763">In the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility: 0</p> <p data-bbox="252 819 1425 931">In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities: 0</p> <p data-bbox="252 1032 1281 1066">Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p data-bbox="252 1077 1481 1234">8. If staff at a receiving institution receives information that sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment occurred at another institution, the receiving institutions Warden shall notify the sending institutions Warden within 72 hours of receiving the allegation. The notification shall be documented on a DC6-210.</p> <p data-bbox="252 1290 1481 1447">8. If staff at a receiving institution receives information that sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment occurred at another institution, the receiving institutions Warden shall notify the sending institutions Warden within 72 hours of receiving the allegation.</p> <p data-bbox="252 1503 1465 1615">9. The receiving institution, where the allegation is reported, will be responsible for contacting EAC, completing a DC6-210, and entering the appropriate information into MINS for appropriate handling</p> <p data-bbox="252 1715 403 1749">Comments:</p> <p data-bbox="252 1760 1453 1872">Marion C.I. has not had an allegation that an inmate was abused while confined at another facility. However, should such an allegation arise, procedure dictates a warden-to-warden e-mail notifying the other facility be generated. Discussion/Notification would be documented.</p>

115.64	<b>Staff first responder duties</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interviews with Staff  Interviews with Volunteer and Contract Staff  Investigation Files</p> <p>In the past 12 months, the number of allegations that an inmate was sexually abused: 3  Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser: 0  In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 0</p> <p>Of these allegations the number of times the first security staff member to respond to the report:  Preserved and protected any crime scene until appropriate steps could be taken to collect any evidence. Requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating. 0</p> <p>Ensured that the alleged abuser does not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. 0</p> <p>Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder: 0</p> <p>Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: 0</p> <p>Of those allegations responded to first by a non-security staff member, the number of times that staff member:  Requested that the alleged victim not take any actions that could destroy physical evidence.  Notify security staff: 0</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (4) RESPONSE:</p>

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

4. Upon learning of an inmate sexual abuse or sexual battery allegation or incident, the first security staff member to respond to the report shall be required to;
  - a. separate the alleged victim and abuser;
  - b. preserve and protect any potential crime scene until appropriate steps can be taken to collect any evidence;
  - c. if the alleged abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking or eating;
  - d. if the alleged abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
  - e. 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.

Comments:

Interviews with staff, volunteers and contract employees showed that all were able to recite the steps to be taken if a sexual abuse allegation was to occur. All were also aware of the immediate notification process that includes notification of the EAC and documentation that is inputted into the MINS system. That in turn notifies the OIG for investigative assignment.

<b>115.65</b>	<b>Coordinated response</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:          PREA Coordinated Response dated September 19, 2019          Institution Plan          Interview of Warden</p> <p>Comments:          The facilities PREA Coordinated Response Plan is a written document outlining steps to be taken after an allegation. It is not a time-lined, check-off document. The medical/mental health checklist/report is well defined format.</p>

<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:          PBA – SSU Agreement          Interview with Warden</p> <p>PBA – SSU Agreement          The State of Florida and the Florida Police Benevolent Association effective July 1, 2017.</p> <p>Comments:          PBA – SSU Agreement          The State of Florida and the Florida Police Benevolent Association effective July 1, 2017. A review of this agreement showed no language related to PREA.</p>

115.67	<b>Agency protection against retaliation</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Interview with Warden  Interview with Assistant Warden  Interview with Sergeant/PREA Auxiliary Staff</p> <p>The length of time that the agency/facility monitors the conduct or treatment: 90 days  The number of times an incident of retaliation occurred in the past 12 months: 0</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (f) All staff, volunteers, and contractors will ensure that they foster an environment within their facility that precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused or battered or of an inmate who may have reported the sexual abuse or sexual battery of another;</li> <li>5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment</li> <li>7. Inmates and/or staff who report sexual abuse will be monitored for retaliation for at least 90 days, with at least three contact status checks to occur within the 90-day monitoring period at the 30-, 60-, and 90-day marks from the date of the allegation. <ol style="list-style-type: none"> <li>a. Conduct, including a review of disciplinary reports, treatment by other staff and inmates, and changes in housing, program assignments, work assignments, and Procedure 602.053 12 demeanor will be reviewed along with the periodic status checks. For auditing purposes, it is the responsibility of the originating facility.</li> <li>b. If an inmate is transferred during the 90-day monitoring period, it is the receiving institutions' procedural responsibility to continue monitoring the inmate for the remainder of the 90-day period.</li> <li>c. Although monitoring shall continue for at least 90 days, if during this period, the investigation has determined the allegation to be unfounded, monitoring may cease.</li> </ol> </li> <li>9. The receiving institution, where the allegation is reported, will be responsible for contacting EAC, completing a DC6-210, and entering the appropriate information into MINS for appropriate handling</li> </ol> <p>Comments:  The Retaliation Monitors for this facility is Sergeant Daniel Rivero, Security and Senior Classification Officer, Brooke Avis-Waters, Classification.</p> <p>The facility notes that If during the 90-day retaliation period there are any changes that</p>

suggest possible retaliation by inmates or staff, the 90-day period starts over. All reviews for retaliation are noted in their database system.

Interviews indicated that there are several methods that can be utilized to address retaliation by inmates; housing changes, work reassignments, if at the Reentry Ctr or at the Work Camp – return to the Main facility. If the retaliation is by staff, the facility will look at disciplinary sanctions.

115.68	<b>Post-allegation protective custody</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 517 360">Materials Reviewed:</p> <p data-bbox="252 371 1279 405">Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p data-bbox="252 416 541 450">Interview with Warden</p> <p data-bbox="252 461 1433 528">Inmates in Segregated Housing (for risk of sexual victimization/who allege to have suffered sexual</p> <p data-bbox="252 539 352 573">Abuse):</p> <p data-bbox="252 584 416 618">On-Site Visit</p> <p data-bbox="252 707 1339 786">The number of Inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completions of assessment: 0</p> <p data-bbox="252 920 1461 1043">In the past 12 months, the number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p data-bbox="252 1099 1437 1223">From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH: 0</p> <p data-bbox="252 1234 1382 1312">(a) A statement of the basis for facility's concern for the inmate's safety (b) The reason or reasons why alternative means of separation could not be arranged.</p> <p data-bbox="252 1402 1279 1435">Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p data-bbox="252 1447 1485 1816">b. If the inmate victim indicates s/he wants to remain in general population and it has been determined that there are no available alternative means of separation from likely abusers the inmate may be placed in administrative confinement pursuant to the provision of "Administrative Confinement," Rule 33.302.220, FAC. The Institutional Classification Team (ICT) will then conduct a 72-hour review of the named PREA victim. The ICT will further review the inmate and the allegation, verify the inmate's housing preference, and reassess the availability of any alternative housing. If the inmate victim remains involuntarily segregated ICT will ensure proper documentation is placed in OBIS related to the basis of the facilities concern for the inmate's safety and why no alternative means of separation can be arranged.</p> <p data-bbox="252 1917 400 1951">Comments:</p> <p data-bbox="252 1962 1477 2074">The facility reports that it has had no incidents of involuntary segregated housing assignments within the past twelve (12) months. Policy is in place which would be utilized if segregation becomes necessary.</p>



115.71	<b>Criminal and administrative agency investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations  Interview with Warden  Interview with Assistant Warden  Interview with Sergeant/PREA Auxiliary Staff  Interview with Investigative Staff  Review of Investigative Files  Record Retention</p> <p>The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since the last PREA audit: 0</p> <p>Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations  (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, or instances that occur at community corrections offices, be the primary investigative unit of all sexual battery allegations occurring on Department property.  (3) 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.</p> <p>(12) ADMINISTRATIVE INVESTIGATIONS:  (a) During investigation into any PREA 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.  (b) Any criminal investigation involving PREA allegations by a staff member that has policy, procedure, or rule violations that were not covered in the criminal case or where probable cause exists but no prosecution of the case, shall require a parallel administrative investigation.  (c) Any parallel administrative investigation shall be tolled during the criminal investigation.</p> <p>(15)RECORDS RETENTION: The agency shall retain all administrative and criminal investigative reports, pursuant to a sexual battery investigation, as long as the alleged suspect is incarcerated, supervised, or employed by the agency, plus five years and marked with a stamp or marker that reads: "SEX CRIME: RETAIN FOR BEYOND NORMAL PERIODS IN ACCORDANCE WITH PRISON RAPE: PREVENTION, DETECTION, AND RESPONSE,</p>

PROCEDURE 602.053”

Comments:

The OIG Investigator’s official title is ‘Law Enforcement Inspector’, with those rights. During the investigator’s interview, he discussed the format for assignment to an investigation, training, gathering of evidence to include interviews, witness interviews, physical evidence, videos and other available formats.

The investigator shared that if the case rose to the level of criminal, he would meet with the prosecutor and if in agreement, the investigator will submit his probable cause via a case summary. If the allegation is against a staff member, a warrant is then issued or if it against an offender who is serving a long sentence – a hold would be placed. If the offender has a short sentence, he would be taken to a local jail.

When an investigation, administrative or criminal, is complete, his office will send a file to the Warden and a letter to the inmate with their finding. If it is a sexual battery case, the offender can read the summary and is given the opportunity to sign the form showing he reviewed the summary.

Investigation files were reviewed and found to be orderly and inclusive. It also includes a review of the incident. Retention of records is for as long as the alleged suspect is incarcerated, supervised, or employed by the agency, plus five years.

115.72	<b>Evidentiary standard for administrative investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations  Interview with Investigative Staff  Review of Investigation Files</p> <p>Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations  (12) ADMINISTRATIVE INVESTIGATIONS:  (a) During investigation into any PREA 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.  (b) Any criminal investigation involving PREA allegations by a staff member that has policy, procedure, or rule violations that were not covered in the criminal case or where probable cause exists but no prosecution of the case, shall require a parallel administrative investigation.  (c) Any parallel administrative investigation shall be tolled during the criminal investigation.</p> <p>Comments:  Although the policy listed above addresses administrative investigations, the investigator noted that all investigations are looking at level of evidence to decide the outcome of that investigation.</p>

115.73	<b>Reporting to inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct  Investigations  OIG Case Activity Report (2)  Interview with Investigator  Review of Investigation Files</p> <p>In the past 12 months:  The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility: 1  Of the alleged sexual abuse investigations that were completed, the number of inmates who were notified verbally or in writing of the results of the investigation: 1</p> <p>In the past 12 months:  The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency: 0  Of the outside agency investigations of alleged sexual abuse, the number of inmates alleging sexual abuse in the facility who were notified verbally or in the writing of the results of the investigation: 0</p> <p>In the past 12 months:  The number of notifications to inmates that were provided pursuant to this standard: 1  The number of those notifications that were documented: 1</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (b) Unless the allegation is unfounded, following an inmate’s allegation that a staff member has committed sexual abuse against her/him, the Warden or her/his designee shall inform the inmate via an “Inmate Notification PREA Staff Allegation,” DC6-2081, whenever the staff member is no longer:  1. assigned to the facility; or  2. employed with the Department</p> <p>(10) INVESTIGATIVE FINDINGS – REPORT:  (a) When an allegation is returned to management (RM) from the Office of the Inspector General, the institution will be responsible for conducting a PREA administrative security investigation utilizing a “PREA Investigative Report,” DC6-2079. Upon completion of this investigation, the facility will also be responsible for notifying the inmate(s) regarding the</p>

outcome of the investigation via an "Inmate Notification Administration Investigation Outcome," DC6-2080. Once completed, the DC6-2079 will be forwarded to the PREA Coordinator.

Procedure 602.053 16

(b) Unless the allegation is unfounded, following an inmate's allegation that a staff member has committed sexual abuse against her/him, the Warden or her/his designee shall inform the inmate via an "Inmate Notification PREA Staff Allegation," DC6-2081, whenever the staff member is no longer:

1. assigned to the facility; or
2. employed with the Department

Procedure # 108.015; Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations

(i) At the conclusion of any sexual abuse, sexual battery, sexual misconduct, sexual harassment, or voyeurism investigation, the Inspector shall make appropriate notifications and follow up notifications in accordance with section (11) of this procedure.

(11) REPORTING INVESTIGATIVE FINDINGS TO VICTIMS:

(a) 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.

(b) 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. The Inspector shall:

1. Use caution not to release confidential information as outlined in section(s) 794.024 and 794.03, F.S.
2. Use caution not to release confidential medical information concerning the subject or other non-victim medical information as outlined in section 456.057, F.S.
3. Permit the victim to review the final report and provide a statement as to the accuracy of the report as outlined in section 794.052, F.S.
4. Document the victim's review and any statement provided by the victim on the "Sexual Battery Victim Review," DC1-856.

(c) The case Inspector shall notice any PREA victim inmate if an allegation against a staff member for sexual abuse, sexual battery, sexual misconduct, sexual harassment, or voyeurism (administrative or criminal) is exonerated, sustained, partially sustained, not sustained, unfounded, closed by arrest, exceptionally cleared, or placed in open-inactive status.

(d) The case Inspector, Inspector Supervisor or designee shall notice any victim inmate the following pertaining to any PREA allegation: Procedure 108.015 11

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.

Comments:

The agency completes all criminal and administrative investigations.

The facility reports that no cases have resulted in an indictment or conviction during the last 12 months.

As noted previously, when an investigation, administrative or criminal, is complete, his office will send a file to the Warden and a letter to the inmate with their finding. If it is a sexual battery case, the offender can read the summary and is given the opportunity to sign the form showing he reviewed the summary. The auditor noted signatures and notices were included in the investigation file.

The facility stated that there have been no allegations against staff within the last twelve (12) months, but if it were to occur, policy would be followed.

115.76	<b>Disciplinary sanctions for staff</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Rule 33-208.003; Range of Disciplinary Actions  Rule 60L-36-005; Conduct of Employees  Procedure # 208.039; Title: Employee Counseling and Discipline</p> <p>In the past 12 months:  The number of staff from the facility who have violated agency sexual abuse or sexual harassment policies: 0  The number of those staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies: 0  In the past 12 months, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>Rule 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 written reprimand, suspension, demotion or dismissal.</p> <p>The severity of penalties may vary depending upon the frequency and nature of a particular offense and the circumstances surrounding each case.</p> <p>(24) Willful Violation of Rules, Procedures, Post Orders, Regulations, Directives or Policy Statements can range from Suspension, Demotion, to Dismissal.</p> <p>Rule 60L-36-005; Conduct of Employees  60L-36.004 Sexual Harassment.  Rulemaking Authority 110.1055, 110.1221, 110.201(1) FS. Law Implemented 110.1221 FS. History–New 1-22-02, Transferred to 60L-40.001.</p> <p>(3) Employees outside the permanent career service may be dismissed at will. Permanent career service employees may be suspended or dismissed only for cause, which shall include, but not be limited to, the following. Examples under the categories listed below are not exhaustive</p> <p>(e) Violation of law or agency rules. Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System. All employees are subject to Part III of Chapter 112, F.S., governing</p>

standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both the criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.

Procedure # 208.039; Title: Employee Counseling and Discipline

24. Willful Violation of Rules, Procedures, Post Orders, Regulations, Directives or Policy Statements: Intentional violation of the agency's authority will not be tolerated. Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System.

c. Conduct that would constitute an employee establishing a personal relationship with an inmate or offender or an inmate or offender's family.

d. Violation of section a.-c. above:

- i. First occurrence: suspension, demotion, or dismissal.
- ii. Second occurrence: dismissal

Comments:

The facility stated that there have been no allegations against staff within the last twelve (12) months, but if it were to occur, policy would be followed.

115.77	<b>Corrective action for contractors and volunteers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Procedure # 205.002; Title: Contract Management  Interview of Warden  Interview with Investigator</p> <p>In the past 12 months, contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates: 0</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (e) Contractors or volunteers who engage in sexual abuse, sexual battery, or sexual harassment and have been found guilty will be disciplined up to and including termination of contract and/or prohibition from working or volunteering for the Department. Additionally, any contractor or volunteer who engages in sexual abuse and sexual battery will be reported to law enforcement, unless it was clearly not criminal, and to any relevant licensing bodies.</p> <p>Procedure # 205.002; Title: Contract Management  (c) Termination for Cause: Examples include, but are not limited to:  4. the contractor fails to comply with the Department's PREA policies and procedures and/or Federal Rule 28 C.F.R. Part 115.</p> <p>Comments:  Marion C.I. reports that it has had no substantiated incidents of PREA allegations involving contractors or volunteers within the past twelve (12) months. If it were to occur, policy would be followed.</p>

115.78	<b>Disciplinary sanctions for inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Procedure # 33-601.301; Title: Inmate Discipline – General Policy  Procedure # 33-601.314; Title: Rules of Prohibited Conduct and Penalties for Infractions.  Procedure: # 33-601.800; Title: Close Management.  Disciplinary Report for Lewd and Lascivious Acts (2)  Interview with Warden  Review of Investigative Reports  Interviews with Medical Staff  Interviews with Mental Health Staff</p> <p>In the past 12 months:  The number of administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility: 0  The number of criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility: 0</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  9) DISCIPLINE:  (a) Inmate(s) who have been found guilty of sexual abuse, sexual battery, or sexual harassment, through the course of either internal or external hearings will be processed in accordance with “Disciplinary Confinement,” Rule 33--602.222, F.A.C., unless otherwise ordered through judicial or administrative process.  (b) All inmates who have been found guilty (with a finding of sustained, exceptionally cleared, or closed by arrest) of sexual abuse or sexual battery will be referred for Close Management (CM) review, in accordance with “Close Management,” 33-601.800, F.A.C. and/or issued a Disciplinary Report (DR), in accordance with applicable inmate disciplinary rules 33-601.301, F.A.C, through 33-601.314, F.A.C. All CM and DR reviews will take into consideration whether the mental disabilities or mental illness contributed to the abuser or perpetrator’s behavior.</p> <p>7. Inmates and/or staff who report sexual abuse will be monitored for retaliation for at least 90 days, with at least three contact status checks to occur within the 90-day monitoring period at the 30-, 60-, and 90-day marks from the date of the allegation.  a. Conduct, including a review of disciplinary reports,</p> <p>Procedure # 33-601.301; Title: Inmate Discipline – General Policy  (1) Inmate behavior that is not in compliance with department rules shall be corrected through the disciplinary process, which includes informal disciplinary intervention.</p>

Procedure # 33-601.314; Title: Rules of Prohibited Conduct and Penalties for Infractions.

- Sexual battery or attempted sexual battery 60 DC + All GT
- Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member or visitor. 60 DC + 90 GT
- 9-7 Sex acts or unauthorized physical contact involving inmates 30 DC + 90 GT

Note: "DC" means the maximum number of days of disciplinary confinement that may be imposed, and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Procedure: # 33-601.800; Title: Close Management.

(r) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

1. Intentionally masturbates;
2. Intentionally exposes the genitals without authorization; or
3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

I. Participation in a sexual assault or battery;

Comments:

There have been no findings of sexual abuse at this facility within the last twelve (12) months. If it were to occur, interviews indicated that the inmate would receive disciplinary sanctions. As noted in the policies above, sanctions are written as maximum amounts, therefore sanctions can have a substantial range based upon mental and cognitive disabilities as well as the nature/circumstances of the action.

Medical and Mental Health staff report that they can give feedback about an abuser if sanctioning was being considered. The Psychologist stated that she is able to provide serves to a perpetrator as well as a victim (either founded or alleged).

115.81	<b>Medical and mental health screenings; history of sexual abuse</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  MINS Incident Report (2)  Medical and MH Informed Consent Form  Interview with Inmates who Disclose Sexual Victimization at Risk Screening  Interview with Intake  On-Site Review</p> <p>In the past 12 months, the percent of inmates who disclosed prior victimization during screening who were offered a follow up meeting with a medical or mental health practitioner: 100%  In the past 12 months, the percent of inmates who have previously perpetrated sexual abuse, as indicated during the screening, who were offered a follow up meeting with a mental health practitioner: 100%</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (6) MEDICAL AND MENTAL HEALTH CARE:  If results of an SRI assessment or medical assessment indicate that an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the inmate shall be offered a follow-up meeting with a mental health practitioner within 14 days of the screening.</p> <p>(a) The provision of any information relating to sexual victimization or abuse that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners, and other staff as necessary, to inform treatment plans and security and management decisions, including Procedure 602.053 14 housing, bed, work, education, and program assignments, or as otherwise required by Federal, state, or local law.</p> <p>(b) If during a screening or services, medical and mental health practitioners gain knowledge of sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment that did not occur in an institutional setting they shall obtain informed consent from the inmate before reporting the information, unless the inmate is under the age of 18. This informed consent shall be documented as received on a DC6-210.</p> <p>Comments:  The facility states staff have not had any inmates state that they have previously been a victim to sexual abuse during screening during the review period. However, a computer list generated for inmates who reported a prior sexual assault showed none reported. Of the forty (40) inmates interviewed five (5) stated that they had been a prior victim of sexual abuse. All</p>

stated that they were referred to Mental Health upon their arrival at Marion. The auditor suggested that the facility follow-up to determine the 'disconnect'.

Both the medical and mental health staff that were interviewed shared that they utilize an Informed Consent Form. The Psychologist stated that she provides services to anyone in need, to include both victims and perpetrators.

115.82	<b>Access to emergency medical and mental health services</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Medical / Mental Alleged Sexual Battery Protocol  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Procedure # 401.010; Title: Co-Payment Requirements for Inmate Medical Encounter  Interview with Warden  Interview with Assistant Warden  Interview with Health Services Administrator  Interview with Psychologist  Interview with Staff  On-site visit</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (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.</p> <p>Procedure # 401.010; Title: Co-Payment Requirements for Inmate Medical Encounter  (d) Waiver of co-payment may be granted if the health care visit:  10. is a Prison Rape Elimination Act (PREA) incident involving sexual abuse or sexual battery.</p> <p>Comments:  A Medical Alleged Sexual Battery Protocol form was provided on one of an old PREA allegation. It was filled out in great detail.</p> <p>All staff interviews included an immediate move of the alleged victim to medical. If medical determines that a SART forensic examination should occur, the request is made immediately. If the injuries are extreme medical reports that the injured inmate would be transferred to the local hospital for immediate attention.</p> <p>Whether a forensic examination happens at the facility (SART) or via a hospital, recommendations for care is provided to the facility. The facility physician writes the orders.</p> <p>Policy for medication care is written in detail. (Due to the lengthy medical detail, it was not added to this report.)</p> <p>There is no cost for the inmate for services/care provided.</p>

115.83	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>
	<p data-bbox="252 170 895 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 517 360">Materials Reviewed:</p> <p data-bbox="252 371 1281 405">Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p data-bbox="252 416 1353 450">Health Services Bulletin No. 15.03.36; SUBJECT: Post Sexual Battery Medical Action</p> <p data-bbox="252 461 868 495">Interviews with Medical and Mental Health Staff</p> <p data-bbox="252 506 539 539">Interview with Warden</p> <p data-bbox="252 551 368 584">Site Visit</p> <p data-bbox="252 674 1281 707">Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response</p> <p data-bbox="252 719 836 752">(6) MEDICAL AND MENTAL HEALTH CARE:</p> <p data-bbox="252 763 1469 920">If results of an SRI assessment or medical assessment indicate that an inmate has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the inmate shall be offered a follow-up meeting with a mental health practitioner within 14 days of the screening.</p> <p data-bbox="252 976 1406 1223">(e) Inmate victims of sexual abuse, sexual battery, or staff sexual misconduct while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Additionally, the victim will be offered support services by means of a mailing address and/or telephone numbers to local community support group organizations, where available.</p> <p data-bbox="252 1234 1453 1346">(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.</p> <p data-bbox="252 1357 1477 1559">1. As appropriate, medical and mental health evaluation and treatment shall be offered to all inmates who have been sexually victimized in any Department or contracted facility and will be consistent with the community level of care. The evaluation and treatment of such victims shall include as appropriate, follow-up services, and, when necessary, referrals for continued care following a transfer to, or placement in, another facility, or a release from custody.</p> <p data-bbox="252 1570 1453 1682">2. Inmate victims of vaginal penetration during the inmate's incarceration shall be offered pregnancy tests and, if pregnancy results, such victim will receive timely and comprehensive information about, and timely access to, all pregnancy-related medical services.</p> <p data-bbox="252 1693 1469 1816">3. A mental health evaluation will be offered to any identified inmate-on-inmate abusers within 60 days of learning of such abuse history and, as appropriate, the abuser will be offered treatment.</p> <p data-bbox="252 1872 1353 1906">Health Services Bulletin No. 15.03.36; SUBJECT: Post Sexual Battery Medical Action</p> <p data-bbox="252 1917 1469 1984">E. If the perpetrator is known, orders will be obtained from the physician for the perpetrator to be tested for the following:</p> <ol data-bbox="252 1995 679 2152" style="list-style-type: none"> <li>1. HIV (with required counseling)</li> <li>2. Hepatitis B and C</li> <li>3. Gonorrhea</li> <li>4. Syphilis</li> </ol>

## 5. Chlamydia

G. The medical records of the victim and perpetrator (if known) will be reviewed to ascertain if s/he had previously been tested for any of the above. Regardless of the HEALTH SERVICES BULLETIN NO. 15.03.36 Page 3 of 5 SUBJECT: POST SEXUAL BATTERY MEDICAL ACTION EFFECTIVE DATE: 10/14/15 results of the tests, education related to these diseases (including symptoms and transmission) will be provided to both the victim and perpetrator and treatment will also be offered as follows:

H. If the perpetrator is not known, the victim will be offered treatment for all diseases listed in section III "F".

J. Repeat testing for diseases that may have been transmitted should be done at intervals of four (4) weeks, three (3) months, and one (1) year. In addition, female victims should have repeat cultures and probes within two (2) weeks. Any other abnormalities (trichomonas, cervicitis, etc.) noted by testing should be appropriately addressed.

### Comments:

Comments for the standards addressed previously show that inmates are provided immediate medical and mental health response for any sexual abuse situation. That includes evaluation, treatment, continued services, advocacy services, treatment plans, tests and any other recommended provisions. All services are at no cost to the victim.

Health Services Bulletin No. 15.03.36; SUBJECT: Post Sexual Battery Medical Action goes into more details than is listed above. It also contains the medical regime (medications) for each of those items listed above.

Both the Health Services Administrator and Psychologist state that the inmates at the facility receive care above the level received in the community.

115.86	<b>Sexual abuse incident reviews</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  Sexual Abuse Incident Review-Facility Investigation Summary dated September 9, 2019  Investigative Activity Report  Monthly PREA Report to Assistant Warden of Programs dated September 9, 2019  Interview with Warden  Interview with Assistant Warden  Interview with Sergeant/PREA Auxiliary Staff  Interview with Colonel  Documentation of Sexual Abuse Incident Team Review  Review of Investigation Files</p> <p>In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only “unfounded” incidents: 1  In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents: 1</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (19) Sexual Abuse Investigation Review Committee (SAIRC), where used herein, refers to the committee that is responsible for reviewing sexual abuse incidents at each institution.</p> <p>(13) SEXUAL ABUSE INCIDENT REVIEW:  The institution shall conduct a sexual abuse incident review within 30 days of the conclusion of the investigation by completing the “Sexual Abuse Incident Review/Facility Investigation Summary,” DC6-2076. This review team shall consist of the Assistant Warden, Chief of Security, and Classification Supervisor. The team will also obtain input via reports from line supervisors, investigators, and medical or mental health practitioners. The SAIRC is not responsible for conducting a review of any allegation that is unfounded. The SAIRC shall meet to, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) assess the adequacy of staffing levels in the area where the incident happened;</li> <li>(b) consider whether the incident/allegation was motivated by race, ethnicity, LGBTI identification, gang affiliation, or other group dynamics at the institution;</li> <li>(c) examine the area that the incident allegedly occurred to assess whether physical barriers or obstructions in the area may have enabled abuse;</li> <li>(d) assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and</li> <li>(e) on a monthly basis, prepare a report with recommendations for improvements, and submit to the PREA Coordinator.</li> </ul>

(e) on a monthly basis, prepare a report with recommendations for improvements, and submit to the PREA Coordinator.

Comments:

A Sexual Abuse Incident Review-Facility Investigation Summary dated September 9, 2019 indicated a thorough after-action review occurred within the allotted thirty (30) day window.

The Investigative Activity Report provided to the auditor during the pre-audit phase was the same Report as previously mentioned.

The Monthly PREA Report to Assistant Warden of Programs dated September 9, 2019 states:  
For the Month of August 2019

Main Unit- (0)

Marion Work Camp- (0)

Total PREA Allegations Reported: (0)

Sexual Abuse Incident Review (DC6-2076) - (1 – PR-X304-19-0004)

SAIRC recommends monitoring technology (video monitoring) be added to the clearing station. Request for additional funding submitted.

Referred to Management- (0)

Additional cameras have been approved.

<b>115.87</b>	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  SSV-2  Monthly Statistical Report</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (7) DATA COLLECTION AND ANALYSIS:  The PREA Coordinator will be responsible for the compilation and reporting of data related to PREA incidents as defined herein, including the data necessary to complete the PREA survey administered by the Federal Bureau of Justice Statistics using a "Survey of Sexual Victimization-Incident Form," SSV-IA and "Survey of Sexual Victimization-State Prison Systems Summary Form," SSV-2. The data will also be utilized to Procedure 602.053 15 improve the effectiveness of the Department's efforts toward sexual abuse prevention, detection, and response policies, practices and training, including identifying problem areas, taking corrective action, and the preparation of an annual report that includes a comparison of the current year's data and corrective actions with those from prior year. Each Compliance Manager will be responsible for compiling institution specific PREA data and preparing an annual corrective action plan for her/his institution.</p> <p>Comments:  The SSV form showed that between January 1, 2017 and December 31, 2017 no nonconsensual acts were reported. During the same time period no acts of abusive sexual misconduct was reported.</p> <p>The Monthly PREA Report to Assistant Warden of Programs dated September 9, 2019 states:  For the Month of August 2019  Main Unit- (0)  Marion Work Camp- (0)  Total PREA Allegations Reported: (0)  Sexual Abuse Incident Review (DC6-2076) - (1 – PR-X304-19-0004)</p> <p>An annual report is completed and placed on the agency website.</p>

115.88	<b>Data review for corrective action</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 517 360">Materials Reviewed:</p> <p data-bbox="252 371 1469 445">Marion Correctional Institution; 2018 PREA Facility Corrective Action Plan; Dated: February 1, 2019</p> <p data-bbox="252 456 541 490">Interview with Warden</p> <p data-bbox="252 501 667 535">Interview with Assistant Warden</p> <p data-bbox="252 546 828 580">Interview with Sergeant/PREA Auxiliary Staff</p> <p data-bbox="252 591 576 624">Review of Annual Report</p> <p data-bbox="252 636 357 669">Website</p> <p data-bbox="252 759 405 792">Comments:</p> <p data-bbox="252 804 1123 837">The 2018 PREA Facility Corrective Action Plan states the following:</p> <p data-bbox="252 848 1430 963">Marion Correctional Institution had a total of eight (8) documented PREA allegations in calendar year 2018. Of the eight (8), zero (0) were sustained, zero (0) were not sustained, one (1) were unfounded and six (7) are currently an ongoing investigation.</p> <p data-bbox="252 1016 1485 1220">Marion Correctional Institution has had a decrease from thirteen (13) PREA allegations in 2017 to eight (8) PREA allegations in 2018. This is due, in part, to increased video surveillance in more areas throughout the compound, increased staffing levels in most areas, enhanced Departmental policies and procedures as well as the hard work the facility staff has put forth to assist in preventing, detecting and responding to sexual victimization.</p> <p data-bbox="252 1274 549 1308">Corrective Action Plan:</p> <p data-bbox="252 1319 1485 1565">In 2018 Marion Correctional Institution did not make any changes to its operation due to PREA cases, as there were no motivational factors or physical barriers at the institution that contributed to any of the allegations. Marion Correctional Institution would request that additional staffing and additional video monitoring surveillance in area where incidents may occur be considered as both of these resources would greatly assist in the eradication of sexual victimization among incarcerated individuals.</p> <p data-bbox="252 1619 1485 1733">Marion Correctional Institution made efforts to fill all vacant positions in 2018 by participating in recruitment drives at local colleges and mall locations, participating in job fair events as well as maintaining the lowest vacancy rate for Marion Correctional Institution of the past few years.</p> <p data-bbox="252 1787 1442 1901">The facility is aware of the need to add additional cameras, both to the Main Unit and to the Work Camp. The Reentry Center has cameras in all locations except in the bedrooms and bathrooms.</p>

115.89	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Materials Reviewed:  Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response Website</p> <p>Procedure # 602.053; Title: Prison Rape: Prevention, Detection, and Response  (11) CASE RECORDS:  Case or investigation records, including but not limited to, any criminal investigation, administrative investigation, medical evaluations and treatments, recommendations of post-release treatment, and counseling associated with allegations of sexual abuse or sexual battery shall be retained by the agency for ten 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 years, whichever is longer. Compliance Managers are responsible for uploading all related documents to the facility's electronic retention file once a PREA case is completed.</p> <p>7) DATA COLLECTION AND ANALYSIS:  The PREA Coordinator will be responsible for the compilation and reporting of data related to PREA incidents as defined herein, including the data necessary to complete the PREA survey administered by the Federal Bureau of Justice Statistics using a "Survey of Sexual Victimization-Incident Form," SSV-2. The data will also be utilized to Procedure 602.053 15 improve the effectiveness of the Department's efforts toward sexual abuse prevention, detection, and response policies, practices and training, including identifying problem areas, taking corrective action, and the preparation of an annual report that includes a comparison of the current year's data and corrective actions with those from prior year. Each Compliance Manager will be responsible for compiling institution specific PREA data and preparing an annual corrective action plan for her/his institution.</p> <p>Comments:  Data is collected monthly via a computerized system. This data is utilized to complete a yearly report with comparisons on allegations and findings. Retention of data correlates to the standards requirements.</p>

<b>115.401</b>	<b>Frequency and scope of audits</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	The auditor was allowed to freely walk through all locations within the institution. Any request for additional information and/or copies of documents was responded to immediately. The auditor's choice of randomly picked inmates and staff was welcomed.

<b>115.403</b>	<b>Audit contents and findings</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	Audits and Reports are available on the Department website.

## Appendix: Provision Findings

115.11 (a)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes

115.11 (b)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes

115.11 (c)	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes

115.12 (a)	<b>Contracting with other entities for the confinement of inmates</b>	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

<b>115.12 (b)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

<b>115.13 (a)</b>	<b>Supervision and monitoring</b>	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes

	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes

<b>115.13 (b)</b>	<b>Supervision and monitoring</b>	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes

<b>115.13 (c)</b>	<b>Supervision and monitoring</b>	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes

115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na

115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

115.15 (d)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes

115.15 (e)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes

115.15 (f)	<b>Limits to cross-gender viewing and searches</b>	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	<b>Inmates with disabilities and inmates who are limited English proficient</b>	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes

	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes

115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes

115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes

115.17 (a)	<b>Hiring and promotion decisions</b>	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes

115.17 (b)	<b>Hiring and promotion decisions</b>	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes

115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes

115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes

<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes

<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na

<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes

115.21 (a)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (b)	<b>Evidence protocol and forensic medical examinations</b>	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes

115.21 (d)	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	<b>Evidence protocol and forensic medical examinations</b>	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na

115.21 (h)	<b>Evidence protocol and forensic medical examinations</b>	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes

115.22 (a)	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c)	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes

115.31 (a)	<b>Employee training</b>	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	<b>Employee training</b>	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	<b>Employee training</b>	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes

115.31 (d)	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.32 (a)	<b>Volunteer and contractor training</b>	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.32 (b)	<b>Volunteer and contractor training</b>	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

<b>115.33 (a)</b>	<b>Inmate education</b>	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes

<b>115.33 (b)</b>	<b>Inmate education</b>	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

<b>115.33 (c)</b>	<b>Inmate education</b>	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes

115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes

115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (b)	<b>Specialized training: Investigations</b>	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.34 (c)	<b>Specialized training: Investigations</b>	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a)	<b>Specialized training: Medical and mental health care</b>	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (b)	<b>Specialized training: Medical and mental health care</b>	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na

115.35 (c)	<b>Specialized training: Medical and mental health care</b>	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (d)	<b>Specialized training: Medical and mental health care</b>	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes

115.41 (a)	<b>Screening for risk of victimization and abusiveness</b>	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes

115.41 (b)	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

115.41 (c)	<b>Screening for risk of victimization and abusiveness</b>	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes

115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes

115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes

<b>115.41 (i)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

<b>115.42 (a)</b>	<b>Use of screening information</b>	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes

<b>115.42 (b)</b>	<b>Use of screening information</b>	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes

115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes

115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes

115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes

115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes

115.43 (d)	<b>Protective Custody</b>	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes

115.43 (e)	<b>Protective Custody</b>	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.51 (a)	<b>Inmate reporting</b>	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na

115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes

115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes

115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes

115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes

115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes

115.52 (f)	<b>Exhaustion of administrative remedies</b>	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes

115.52 (g)	<b>Exhaustion of administrative remedies</b>	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

115.53 (a)	<b>Inmate access to outside confidential support services</b>	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes

115.53 (b)	<b>Inmate access to outside confidential support services</b>	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes

115.53 (c)	<b>Inmate access to outside confidential support services</b>	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes

115.54 (a)	<b>Third-party reporting</b>	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes

115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes

115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes

<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

<b>115.62 (a)</b>	<b>Agency protection duties</b>	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes

<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes

<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	
	Does the agency document that it has provided such notification?	yes

<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: 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, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes

115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes

<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes

<b>115.67 (a)</b>	<b>Agency protection against retaliation</b>	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes

<b>115.67 (b)</b>	<b>Agency protection against retaliation</b>	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes

<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes

<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes

<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes

<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

<b>115.71 (d)</b>	<b>Criminal and administrative agency investigations</b>	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

<b>115.71 (e)</b>	<b>Criminal and administrative agency investigations</b>	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes

<b>115.71 (f)</b>	<b>Criminal and administrative agency investigations</b>	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

<b>115.71 (g)</b>	<b>Criminal and administrative agency investigations</b>	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes

<b>115.71 (h)</b>	<b>Criminal and administrative agency investigations</b>	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes

<b>115.71 (i)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

<b>115.71 (j)</b>	<b>Criminal and administrative agency investigations</b>	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes

<b>115.71 (l)</b>	<b>Criminal and administrative agency investigations</b>	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

<b>115.72 (a)</b>	<b>Evidentiary standard for administrative investigations</b>	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

<b>115.73 (a)</b>	<b>Reporting to inmates</b>	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

<b>115.73 (b)</b>	<b>Reporting to inmates</b>	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	na

115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes

<b>115.73 (e)</b>	<b>Reporting to inmates</b>	
	Does the agency document all such notifications or attempted notifications?	yes

<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes

<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes

<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.77 (a)	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes

115.77 (b)	<b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	<b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes

115.78 (b)	<b>Disciplinary sanctions for inmates</b>	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes

115.78 (c)	<b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

<b>115.78 (d)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes

<b>115.78 (e)</b>	<b>Disciplinary sanctions for inmates</b>	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

<b>115.78 (f)</b>	<b>Disciplinary sanctions for inmates</b>	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes

<b>115.78 (g)</b>	<b>Disciplinary sanctions for inmates</b>	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

<b>115.81 (a)</b>	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

115.81 (b)	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes

115.81 (c)	<b>Medical and mental health screenings; history of sexual abuse</b>	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?	yes

115.81 (d)	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes

115.81 (e)	<b>Medical and mental health screenings; history of sexual abuse</b>	
	Do medical and mental health practitioners 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 18?	yes

115.82 (a)	<b>Access to emergency medical and mental health services</b>	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes

115.82 (b)	<b>Access to emergency medical and mental health services</b>	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	<b>Access to emergency medical and mental health services</b>	
	Are inmate victims of sexual abuse 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?	yes

115.82 (d)	<b>Access to emergency medical and mental health services</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (a)	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes

115.83 (b)	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

<b>115.83 (c)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes

<b>115.83 (d)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

<b>115.83 (e)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

<b>115.83 (f)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

<b>115.83 (g)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

<b>115.83 (h)</b>	<b>Ongoing medical and mental health care for sexual abuse victims and abusers</b>	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

<b>115.86 (a)</b>	<b>Sexual abuse incident reviews</b>	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

<b>115.86 (b)</b>	<b>Sexual abuse incident reviews</b>	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

<b>115.86 (c)</b>	<b>Sexual abuse incident reviews</b>	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes

115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes

115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

<b>115.87 (c)</b>	<b>Data collection</b>	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

<b>115.87 (d)</b>	<b>Data collection</b>	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes

<b>115.87 (e)</b>	<b>Data collection</b>	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes

<b>115.87 (f)</b>	<b>Data collection</b>	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes

<b>115.88 (b)</b>	<b>Data review for corrective action</b>	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes

<b>115.88 (c)</b>	<b>Data review for corrective action</b>	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

<b>115.88 (d)</b>	<b>Data review for corrective action</b>	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes

<b>115.89 (a)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes

<b>115.89 (b)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes

<b>115.89 (c)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes

<b>115.89 (d)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes

<b>115.401 (a)</b>	<b>Frequency and scope of audits</b>	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

<b>115.401 (b)</b>	<b>Frequency and scope of audits</b>	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na

<b>115.401 (h)</b>	<b>Frequency and scope of audits</b>	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes

<b>115.401 (i)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes

<b>115.401 (m)</b>	<b>Frequency and scope of audits</b>	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

<b>115.401 (n)</b>	<b>Frequency and scope of audits</b>	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes