

SEMINOLE COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURE CORRECTIONS	NUMBER: 13.30
	RESCINDS: August 9, 2012 Sexual Assault Reporting
SUBJECT: Prison Rape Elimination Act (PREA)	
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I. PURPOSE:

The purpose of this policy is to establish a **zero tolerance** standard for the detection, reduction, and punishment of sexual abuse of inmates, to address the safety and treatment of inmates who have been a victim of a sexual act, to discipline and prosecute those who perpetrate these acts upon inmates, and to assure Facility compliance with the federal *Prison Rape Elimination Act of 2003*.

II. SCOPE:

This policy shall apply to all certified, civilian, and volunteer correctional personnel, as well as investigative personnel assigned to the Major Crimes Unit, Diversified Investigative Services Division, and contractors providing service at the John E. Polk Correctional Facility.

III. GENERAL:

The *Prison Rape Elimination Act of 2003* (P.R.E.A.) was enacted by Congress to address the problems of sexual abuse of persons in the custody of U.S. correctional facilities. Sexual conduct or abuse involving inmates, staff and inmates, volunteers and inmates, or contract personnel and inmates, **regardless of consensual status**, is strictly prohibited and subject to administrative, disciplinary, and criminal actions.

IV. DEFINITIONS:

A. *Sexual Battery:*

Nonconsensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or by any other object; as stipulated in Florida Statute 794, or the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth) however sexual battery does not include an act done for a bona fide medical purpose.

B. *Sexual Harassment:*

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

C. *Voyeurism:*

Invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as;

1. Peering at an inmate performing bodily functions.
2. Requiring an inmate to expose his or her buttocks, genitals, or breast, not conducted as a part of one's official duties.
3. Taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, not conducted as a part of one's official duties.

D. *PREA Coordinator*

A staff member assigned to the Professional Standards Division Accreditation Section with sufficient time to develop, implement, and oversee the SCSO efforts to comply with the PREA standards agency wide.

E. *PREA Compliance Manager*

A manager level staff member assigned to the JEPCF, JDC, or CJC to serve as the point person for PREA related matters within their respective division.

V. STAFF SEXUAL MISCONDUCT:

A. All Correctional staff identified in this directive, shall guard against, and refrain from engaging in any activities that may constitute Staff Sexual Misconduct against inmates, including but not limited to:

1. Any behavior or acts of a sexual nature directed towards an inmate by a member, including romantic relationships between staff and inmates.
2. Sexual acts including intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, to arouse, or to gratify sexual desire.
3. Completed, attempted, threatened, or requested sexual acts.
4. Occurrences of indecent exposure, invasion of privacy (except for a bonifide security concern), or staff voyeurism for sexual gratification.

VI. STAFF SEXUAL HARASSMENT:

- A. Repeated verbal statements, comments, or retaliatory behavior of a sexual nature to an inmate by staff, volunteer, contractor, or agency representative, may include but not limited to the following:
 - 1. Demeaning references to gender.
 - 2. Derogatory comments about body or clothing.
 - 3. Repeated, profane/obscene language or gestures

VII. LEGAL CONSEQUENCES FOR STAFF SEXUAL MISCONDUCT.

- A. Florida Statute 951.221;
 - 1. Sexual acts or sexual contact between staff and an inmate, even if the inmate consents, initiates, or pursues is always prohibited and illegal. There is no consensual sex in a custodial or supervisory relationship.
 - 2. Sexual misconduct against inmates, without committing the crime of sexual battery, is a felony of the third degree.
 - 3. Notwithstanding prosecution, if the agency finds that a member has violated prohibitions against sexual misconduct against inmates, this constitutes sufficient cause for immediate dismissal of the violator and such person may not again be employed in any capacity by the Seminole County Sheriff's Office.
 - 4. Failure to report an incident of staff sexual misconduct/harassment shall result in corrective and/or disciplinary action up to and including termination and criminal prosecution.
 - 5. Intimidation of a witness or retaliation against an inmate who refuses to submit to sexual activity is prohibited and subject to criminal prosecution.

VIII. STAFF HIRING, TRAINING, AND PROMOTIONS

- A. The staff shall be trained on the following:
 - 1. Agency zero-tolerance policy for sexual abuse and sexual harassment.
 - 2. How to fulfill their responsibility under agency sexual abuse and sexual harassment prevention, detection and response protocol to threatened or actual sexual abuse and how to promptly report all incidents or threats of sexual abuse/assault through the chain of command, or privately to one of the following, the Major of the facility, the Director of Human Resources, or as directed in General Order #25, Employee Sexual Harassment Policy.
 - 3. Inmates' right to be free from sexual abuse and sexual harassment.
 - 4. The rights of inmates and staff to be free from retaliation for reporting sexual abuse and harassment and how to promptly report any incidents of staff or inmate retaliation for reporting an incident of sexual abuse/assault.
 - 5. The dynamics of sexual abuse and sexual harassment in confinement,
 - 6. The common reactions of sexual abuse and sexual harassment victims,
 - 7. How to detect and respond to signs of threatened and actual sexual abuse,
 - 8. How to avoid inappropriate relationships with inmates.
 - 9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, and intersex inmates (LGBTI).
 - 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside agencies. (Florida Child Abuse Hotline and Adult Protective Services Hotline)

11. The importance of confidentiality and secure storage of sexual abuse information and documents.
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- B. Medical and Mental Health Staff Training Requirements
 1. How to assess signs of sexual abuse,
 2. How to preserve physical evidence of sexual abuse,
 3. How to respond to victims of sexual abuse, and
 4. How to report allegations and suspicions of sexual abuse

 - C. Volunteer and Contractor Training Requirements;
 1. JEPCF Zero tolerance policy and procedures for prevention, detection, and response to sexual abuse and staff misconduct/harassment. Any contractor or volunteer that does not abide by the facility zero tolerance policy will be subject to immediate removal from the facility and suspension of contract privileges pending investigation by law enforcement.
 2. How to report incidents of suspicion of sexual abuse or staff sexual misconduct/harassment.

 - D. This training shall be part of the new employee orientation training and shall be included as part of the annual refresher training for both certified and civilian personnel based upon the level of contact with inmates and training requirements stipulated by PREA.

 - E. Major Crime's investigators will be trained on the necessity of the thorough investigation of sexual abuse/harassment within the confines of a correctional facility, ensuring P.R.E.A. requirements and protocols are met. Reporting procedures will be followed in criminal and non-criminal incidents.

 - F. No employee including contractors, volunteers, interns, and any other persons, that may have contact with inmates shall be hired or considered for promotion without first being vetted that they have not engaged in any form of sexual abuse/harassment while currently employed, during previous employment, or within the community setting. It is the responsibility of the employee, contractor, volunteer or intern to divulge inappropriate conduct upon hiring, evaluations, or promotion if not already known or detected by the agency. The Human Resource Division Director or designee shall be responsible for carrying out the hiring and promotion process in accordance with this policy and General Orders pertaining to Selection and Recruitment and the Promotional Process.

IX. PREVENTION OF INMATE SEXUAL ABUSE/HARRASSMENT:

- A. Proper patrol procedures and vigilance are imperative in preventing sexual abuse/harassment. Deputy presence can be a major deterrence to inmate sexual abuse/assault as well as other forms of violence or criminal activity.
 1. Regular security checks shall be made through the housing areas supplemented by frequent unscheduled security checks by upper level management on both day and night shifts.
 2. Staff members are prohibited from taking any actions to inhibit the prevention practices in place including alerting co-workers to the frequency, time, and or location of unannounced rounds by upper level management.
 3. Members shall identify and eliminate or minimize blind spots, as dictated by facility design. Suggestions to enhance or improve the facilities security camera system should be forwarded via the chain of command.

4. There shall be proper lighting in all cell areas and any repairs to lighting fixtures shall be reported immediately and take a priority response by maintenance personnel.
5. Observation of inmate areas through windows shall be free of clutter and not covered to the extent that blocks the view of the inmates within the housing area.
6. No clothing or bedding or other materials shall be allowed to hang over bunks or walls, which would obscure proper line of sight.
7. Staff must be open and responsive to an inmate's complaint of sexual abuse or fear of pending sexual abuse, accepting reports verbally, in writing, anonymously, and from third parties and respond to all concerns of imminent danger within 48 hours if not immediately. Verbal or anonymous reports shall be documented in Ellis
8. Staff shall recognize that inmates are more likely to come forward if inmates believe staff will believe them, initiate an investigation, provide protection from retaliation, and afford a remedy.
9. Female staff shall announce their presence when entering male housing units, at the beginning of each shift when working a male housing unit, after returning from extended breaks, or traveling through corridors which dissect housing units. **Announcement is not needed for exigent circumstances or as a matter of routine cell checks to ensure the continued security and safety of the facility.**

X. INMATE ORIENTATION AND EDUCATION:

- A. During the admission process, information is provided to inmates about sexual assault/harassment. Within 30 days of entering general housing, in-depth information is provided to the inmate about sexual assault/harassment. The information will be communicated **orally, in writing, or by video**, in a language clearly understood by newly arrested inmates. Staff shall use the facility contracted interpreter service to assist inmates that are not proficient in English, are blind or deaf, or requires other interpretation services to understand the information provided. Each inmate will receive an Inmate Handout summarizing the sexual abuse reporting and prevention procedures. Information will include the following:
 1. Prevention/intervention of an attempted sexual abuse incident.
 2. How to protect oneself from becoming a victim of sexual abuse while incarcerated.
 3. Methods of reporting incidents of sexual abuse/assault. Inmates may notify any staff member, request a PREA emergency grievance, have a third party report on their behalf, or leave a message on the P.R.E.A. Hotline. **There are penalties for false reporting.**
 4. Treatment and counseling options available to a victim of sexual abuse.
 5. Sanctions for the inmate who commits sexual assault/battery against another inmate(s);
 6. Available support services including medical, mental health and rape crisis support.

XI. SCREENING AND CLASSIFICATION:

- A. Using an objective screening instrument in accordance with PREA Standard 115.41, inmates are screened within 72 hours of arrival at the Facility for potential vulnerabilities to or tendencies of acting out with sexually aggressive behavior. Housing assignments will be made accordingly as described in Corrections Policy 18.01- Classifications.
- B. Inmates identified as high risk with a history of sexually assaultive behavior will be assessed by a Medical/Mental Health staff member or other qualified professional. Inmates with a history of sexually assaultive behavior will be identified, monitored, and counseled.

- C. Inmates identified as high risk for sexual victimization or who have disclosed being sexually abused in any prison, jail, lockup, or juvenile facility or community setting, will be assessed by a Medical/Mental Health or other qualified professional. Detainees at risk for sexual victimization will be identified, monitored, and counseled. Information obtained from the objective screening instrument will be used by classifications to determine proper housing to keep separate an inmate with potential victimization separate from those with potential predation.
- D. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.
- E. Information derived from the use of the screening instrument or during inmate interviews is considered confidential and is to be used solely to assist in determining appropriate classification and housing assignments. Deputies should safeguard this information both verbally and written as not to be used to the detriment of the inmate by staff or other inmates.

XII. P.R.E.A. HOTLINE, RAPE CRISIS CENTER AND EXTERNAL REPORTING METHODS:

- A. All inmates have access to the Facility’s P.R.E.A. Hotline. Inmates may leave a confidential message to report sexual abuse or assault by pressing # **then 22** on the inmate telephone system.
- B. The Central Control Room Detention Deputy will check the P.R.E.A. Hotline for messages **every three hours**. All checks will be documented in the P.R.E.A. electronic logbook in Ellis. .
- C. If an inmate leaves a message reporting sexual abuse or assault, the Detention Deputy will document the message and immediately notify the Zone Supervisor. The Zone Supervisor will initiate the proper investigation.
- D. Staff shall inform inmates that they have the right to have family members, friends or acquaintances report incidents of sexual assault or harassment to the Seminole County Sheriff’s Office Major Crimes section or the 18th Judicial States Attorney’s Office on their behalf. There are signs posted throughout the facility which describes the manner in which this can be done.
- E. Inmates may use the inmate telephone located in their housing unit to contact the local rape crisis center. The phone conversation is confidential however the inmate must use their telephone pin number to access the number. Abuse of the crisis hotline will be addressed with administrative discipline to the extent possible.

XIII. RESPONSE TO SEXUAL ASSAULT/BATTERY ALLEGATIONS:

- A. All members John E. Polk Correctional facility and the Seminole County Sheriff’s Office will follow the coordinated response protocol outlined in “Attachment A”; *JEPCF PREA Coordinated Response Plan*. The correctional staff’s primary duty will be to assure the safety and well-being of the victim inmate, including the separation of the victim from his or her assailant. First responding civilian staff shall immediately inform a Detention Deputy Security staff member. Medical Staff will have a coordinated response as defined in Correction Policy 13.27 Medical Emergency Response plan and as outlined in Attachment “A”.
- B. Any inmate who reports being sexually assaulted during his/her current incarceration is referred to a community facility for treatment by a qualified health care professional and the gathering of evidence in accordance with the National Protocol for Sexual Exams. Health Services staff will make the determination if the victim inmate needs to be transported to the hospital and make the necessary notification to the communications division to summons Emergency Medical Services..

- C. Following the physical examination and preliminary investigation, there will be the availability of an evaluation by a Mental Health Professional to assess the need for crisis intervention counseling and long-term follow-up.
- D. If an inmate request a victim advocate during the investigative and examination process the on duty major crimes investigator will notify the Seminole County Sheriff's Office on duty Victim Advocate and request their response to assist the inmate. If unavailable then victim advocates may be summoned from the Sexual Assault Victims Services (SAVS) of the Brevard/Seminole State Attorney's Office.
- E. First responding correctional staff shall immediately report the alleged incident to their immediate supervisor who in turn should notify the chain of command and the PREA Coordinator/Compliance Manager. The Shift Supervisor/Watch Commander shall ensure that the following protocols are adhered to;
 - 1. Separate the victim from the perpetrator, housing each appropriately to preserve evidence.
 - 2. Ensure the JEPCF Sexual Assault/Battery allegations checklist is initiated.
 - 3. Ensure preservation of evidence. The victim and alleged perpetrator inmate shall be advised not to eat, drink, change clothes, shower, use the restroom, or conduct any other personal hygiene actions until he/she has been examined by medical staff or given specific instructions from the investigator during the process of collecting evidence.
 - 4. Ensure the crime scene has been secured not allowing other inmates or unessential staff to enter.
 - 5. In consultation with the responding investigator begin collecting witness statements.
 - 6. Begin the chain of custody form, if applicable
 - 7. Generate an incident report in CAFÉ indicating specifics about housing location, inmate population in the housing unit, and any other pertinent information about the inmate relevant to the investigation.
 - 8. Ensure preservation of facility video of the involved area and conduct an assessment of the location noting any facility issues if present.

XIV. INVESTIGATION:

- A. An investigation is conducted and documented whenever an alleged sexual assault or threat is reported by the inmate, third party, staff, contractor, other facility, or anonymous reporter. All incidents of sexual assault/abuse will be reported promptly and investigated thoroughly, first by internal review by the facility chain of command, second by a Professional Standards Investigator if summoned by the facility Major, (or designee), or by a Major Crime's investigator if the initial review reveals criminal behavior on the part of an inmate or staff. If the investigation involves a staff member it will be the responsibility of the Professional Standards Investigator to determine if the allegation presented should be investigated criminally. If the assault occurred in another facility then the Major of Corrections or designee shall, within 72 hours, immediately inform the administrator of the other facility by phone about the alleged violation. This notification shall be documented by this agency with written correspondence to the other facility.
- B. A Professional Standards Investigator and/or Major Crimes Investigator will be requested through the Sheriff's Office Communications Center by the Major (or designee) of the facility and will discuss the nature of the allegations with the appropriate reporting supervisor or his/her designee. Investigators/employees are prohibited from revealing any information related to the sexual abuse/harassment to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. An immediate response may be warranted in criminal and non-criminal incidents after hours when involved parties, to include witnesses, may not be available for a later interview due to bond conditions, court appearances, or numerous other factors that may be present. In any event, interviews shall occur as soon as practical, and no later than the next business day after the disclosure.
 - 1. In the case of a confirmed sexual assault, the Major Crimes Investigator will determine if the victim inmate should be examined at the Health Department to collect and preserve evidence.

2. The assigned investigator will retain the evidence to maintain a direct chain-of-custody and submit the evidence to the Forensics Evidence Section.
 3. In the event a criminal act is reported, an *Incident Report* shall be documented in Café by the reporting Detention Deputy and the case shall be assigned to the responding Major Crimes Investigator. The case will be followed up pursuant to *Enforcement Policy and Procedure # 24* and the results of the investigation will be documented in a formal *Report of Investigation*.
 4. If an allegation is determined to be non-criminal, a memorandum of investigation detailing the results of the investigation will be forwarded by Corrections staff or the Major Crimes Investigator, through the chain of command, to the Facility Director. The facility director will determine if the allegation requires discipline on the part of an inmate, a staff supervisory inquiry or in consultation with the Captain of the Professional Standards division an Administrative Investigation.
 5. In any event, the inmate that filed the alleged report will be kept informed by the Investigator or Correctional staff, verbally or in writing, as to the status of the investigation and if the allegations have been substantiated or unfounded.
 6. Notwithstanding a request for an extended period of time, investigations should be concluded within 90 days of the initial report. An extension of up to an additional 70 days may be requested if the investigator can justify the need for additional time and must be conveyed to the inmate indicating a date when the investigation will be completed and a decision made.
 7. During the course of an internal review, Administrative Investigation or a criminal investigation, the investigator shall not rely upon inmate translators except in emergency conditions. Contract translation services will be used to conduct official investigations to assist with the investigative process.
- C. The PREA Coordinator shall insure an incident review is conducted within 30 days of the conclusion of every sexual abuse investigation, unless the allegation was unfounded. Recommendations to prevent further instances of sexual abuse or sexual harassment are documented and discussed for implementation if needed.
- D. John E. Polk Correctional Staff is prohibited from retaliating against staff or inmates because of their involvement in the reporting or investigating of sexual assault/battery or sexual misconduct/harassment.
- E. The Professional Standards Division will be responsible for monitoring the work environment of any employee, or other person, after their reporting or cooperation in the investigation of a sexual assault/battery investigation against employee retaliation. This monitoring shall continue for a period of 90 days and include review of an employee's performance review, transfer request, and or involuntary assignment changes. The Professional Standards Division shall continue such monitoring beyond the 90 days if the initial monitoring indicates a continuing need.
- F. The facility PREA Compliance Manager and shift supervisors will be responsible for monitoring an inmates housing assignment and treatment after their reporting of or cooperation in the investigation of a sexual assault/battery investigation. This monitoring process shall continue for at least 90 days following the report of sexual abuse and shall include the assessment of the victim or reporting inmates' treatment by staff, to include periodic status checks, review of disciplinary reports, program changes, or grievances pertaining to fear or concern of retaliation. Staff shall act promptly to remedy any concerns of such retaliation. The monitoring process shall continue beyond 90 days if the initial monitoring indicates a continuing need.
- G. Suspected retaliation in any form will be dealt with immediately resulting in disciplinary action up to and including termination.
- H. The agency shall take appropriate measures to protect any individual that expresses a fear of retaliation, including outside third parties, within reasonable means of available resources. These measures shall consider housing changes for inmates, removal of alleged staff or alleged abusers from contact with victims, and the availability of emotional support services for inmates or staff that are in fear of retaliation. All

monitoring or protections measures of staff and inmates or other persons shall terminate if the agency determines that the allegation is unfounded.

XV. INMATE SANCTIONS

- A. Any inmate who commits sexual assault/battery while in JEPCF custody shall be criminally prosecuted under Florida law. In addition any inmate that engages in a sexual act deemed to be consensual shall be subject to facility administrative disciplinary actions. An inmate may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

XVI. INMATE REPORTING

- A. Upon finding or conclusion of a criminal or administrative investigation, correctional staff will inform the inmate verbally, or in writing within a reasonable time, as to whether the allegation was substantiated, unsubstantiated, or unfounded by the agency responsible for investigation the complaint. This notification will be documented in the inmates file.
- B. If the investigation involves a staff member, the agency will continually notify the victim inmate as to the status of the case and ensure that the inmate is advised of the staff member being reassigned or terminated from employment.

XVII. DOCUMENTATION

- A. In order to comply with the United States Department of Justice, Bureau of Justice Statistics (USDOJ/BJS), reporting requirements, JEPCF shall collect and maintain sexual assault/battery and sexual misconduct/harassment data.
 - 1. On an ongoing basis, the PREA Coordinator shall be responsible for data collection and reviewing the findings with the facility PREA committee to populate monthly and annual reports.
 - 2. BJS criteria shall be used to collect and report data for all incidents of inmate sexual assault/battery and sexual misconduct/harassment towards inmates.
 - 3. The PREA Coordinator should review all reports on a quarterly basis to ensure that incidents are accurately tracked in accordance with the definitions set forth by PREA and mandated by the USDOJ/BJS.
 - 4. The Facility PREA Manager will forward statistical data to the PREA Coordinator on an ongoing basis for the data required to comply with the USDOJ/BJS.

XVIII. AUDITS

- A. The USDOJ requires audits to verify compliance every three years. Only individuals certified under guidelines established by the USDOJ can conduct an audit for PREA Compliance. The PREA Coordinator assigned to the JEPCF Accreditation Section shall maintain yearly compliance with PREA standards and shall adopt any future PREA regulations as they become mandated.

Seminole County Sheriff's Office

“Attachment A”

JEPCF PREA Coordinated Response

Prison Rape Elimination Act (PREA) mandates that agencies develop a written institutional plan to coordinate actions taken in response to an allegation of offender sexual abuse and harassment. The following protocol coordinates actions taken by staff first responders, medical and behavioral health practitioners, investigations and facility leadership. The PREA Checklist has been developed to ensure appropriate notifications are made in a timely and consistent manner.

All offender sexual abuse or sexual harassment allegations shall be forwarded to the Shift Supervisor immediately.

All PREA allegations, including third party and anonymous, must be investigated. Anonymous allegations and allegations related to official duties, such as pat searches, will be handled as outlined in the "Exceptions" section of this protocol.

First Responder:

1. Call for immediate assistance and notify Shift Supervisor.
2. Keep victim(s) and alleged perpetrator(s) separate.
3. Secure scene and prevent destruction of physical evidence by victim or perpetrator.
4. Complete written reports/narrative/incident report prior to departing shift and submit to Shift Supervisor.
5. Document inmate's physical appearance or demeanor. i.e. scratches, bruises, lethargic, quiet, etc.
- 6.. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

COORDINATED RESPONSE

Shift Supervisor:

1. Ensure safety of those involved.
2. Refer to charge nurse for any immediate treatment needs. Ensure medical and behavioral health acknowledges this is a report of sexual abuse.
3. Notify Major Crimes (MCI).
4. Notify chain of command.
5. Following notification to Major Crimes make arrangements for a SAFE examination and victim advocate if needed. Consult with MCI.
6. Complete the PREA Checklist/ Internal Review report and forward to the shift watch commander before end of shift.
7. Ensure completion of all reports prior to departing shift to include but not be limited to: Narratives, Protective Custody placement, segregation placement, etc.
8. Ensure all staff understand that they shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

Medical Staff:

1. Provide treatment for immediate injuries, but do not interfere with the collection of potential evidence.
2. Notify Mental Health of the potential PREA related incident and provide information that allows for appropriate Mental Health response.
3. In conjunction with MCI and other staff as needed, shall ensure that all victims of sexual abuse have access to forensic medical examinations.
4. Develop and provide evaluation and treatment of such victims, which shall 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.

Mental Health:

1. Upon receiving notification that a PREA incident may have occurred, ensure potential victims of sexual abuse receive timely services to address both immediate and ongoing needs.
2. Develop and provide evaluation and treatment of such victims, which shall 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.

SAFE Examination:

1. When a SAFE/SANE examination is determined to be needed, and after stabilizing treatment has been provided, healthcare staff shall coordinate with the Shift Supervisor and the MCI, to contact the designated area hospital or Health Department to discuss the patient's clinical status and arrange for the examination to be conducted.

- a. The MCI shall assist facility staff on the procedures to follow based on the hospital or Health Department guidelines.
- b. Advise hospital or Health Department staff if the offender is the victim or perpetrator and if either will be in handcuffs or belly chains/leg irons.
2. Ensure the alleged victim or perpetrator does not defecate, urinate, wash their hands, brush teeth, gargle, rinse mouth, eat or drink, change menstrual pads or tampons, shower, or change clothing prior to the examination.
3. Arrangements shall be made to;
 - a. Contact the Seminole County Sheriff's Office requesting a victim advocate to respond if not already requested.
4. Because clothing is often retained as part of the SAFE (collection of evidence process), a change of clothing should be available for the offender to change into following the examination.
5. A uniformed staff member shall accompany each victim inmate or offender inmate to the hospital or Health Department for the examination or collection of forensic evidence.
 - a. The offender's custody level and comfort of the SAFE/SANE shall dictate if the staff member will be in the examination area, however staff shall not interfere with the process if they are present. Only staff of the same gender as the offender being examined shall be allowed to be present in the examination area.
6. Major Crimes Investigator shall arrange with the hospital or health department to obtain a copy of their report and for the submission and for the submission of evidence to evidence section.

Investigation

1. JEPCF supervisors shall be responsible for initially investigating all reports of alleged sexual abuse and sexual harassment including any involving sexual activity (regardless of any perception of consent) between offenders to determine if a PREA event has occurred. If the incident is deemed criminal then the Major Crimes Investigator is responsible for continuing with the investigation. If a staff member is alleged to be involved, then after internal review by JEPCF staff, the Major of the facility or designee will contact Professional Standards to summons an internal affairs investigator.
2. MCI investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
3. In conjunction with Medical/Mental Health, and other staff as needed, the MCI shall ensure that all victims of sexual abuse have access to forensic medical examinations.
5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as offender or staff.
6. If the investigation reveals that the sexual activity was not forced or coerced between offenders, the MCI shall ensure both offenders are held accountable through the appropriate disciplinary process.
6. If an investigation reveals that a report of sexual abuse or sexual harassment was made in bad faith, the facility may hold offenders accountable through the appropriate disciplinary process.
7. In conjunction with the PCM, and other staff as needed, shall ensure the victim is placed in the least restrictive

housing possible.

8. Allegations involving staff members shall first being thoroughly reviewed by facility staff to determine the need to call Professional Standards or Major Crimes.

PREA Compliance Manager (PCM)

1. The PCM shall review and ensure completion of the PREA Checklist/Internal Review Report and be responsible for ensuring PREA standards are met and appropriate coordinated response has been provided.
2. The PCM or designee shall act as a liaison between the offender victim and the victim advocate or qualified staff member, if one is available; to support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
3. Mental Health staff shall provide the victim a list of emotional support/rape crisis providers. In the event that neither a community advocate nor a qualified staff member is available, the offender may choose to correspond in writing or, if appropriate, make arrangements for telephonic communication.
4. When there is either a substantiated or unsubstantiated report of sexual abuse, the PC or PCM shall be the chairperson of the Sexual Abuse Incident Review Board.
5. In conjunction with MCI, and other staff as needed, shall ensure the victim is placed in the least restrictive housing possible.
6. The PCM as guided by General Order and Correction Policy shall ensure monitoring of the treatment and conduct of offenders and staff who have reported sexual abuse and shall act promptly to remedy any retaliation.

EXCEPTIONS TO THE ABOVE PROTOCOL:

- (1) Allegations related to official duties {i.e., pat search, strip search, high risk confinement shower):

Excerpt from Sexual Abuse definition: Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- The shift supervisor shall immediately be notified of the report. The shift supervisor shall immediately inform the PCM and shall privately interview the inmate.
- If it is the inmates belief that the contact was to sexually abuse, arouse or gratify sexual desire; the shift supervisor shall immediately make notification through the chain of command and complete the internal review.
- Advise the inmate that they will be required to provide a sworn statement as to the allegation of sexual assault or battery perceived to be outside of the official duties of the staff member.
- The Major of the facility or designee will make the determination to either deem the allegation “unfounded” as related to official duties, call for a Professional Standards Investigator, or call for a Major Crimes Investigator.

- If it is the inmate's belief that the contact was non-sexual, the shift supervisor shall:
- Create an internal review report and forward through the chain of command.
- Not initiate the Coordinated Response and the offender shall not be referred to medical or mental health

(2) Anonymous allegations:

When an anonymous allegation is received, the Shift Supervisor or PCM shall immediately ascertain whether there is an identified victim. If there is, the Shift Supervisor or PCM shall immediately interview the alleged victim in a private setting in a respectful manner to:

- Determine if the alleged victim confirms the allegation
- Assess protective custody needs
- Obtain a written statement from the offender, if possible

If the Shift Supervisor interviews the alleged victim, s/he shall notify the PCM of the allegation and result of the interview.

If the offender confirms the allegation or has Protective Custody needs associated with the allegation, shift supervisor will immediately contact MCI and the PCM and initiate the Coordinated Response.

If there is no identified victim or the offender denies the claim and has no PC needs associated with the anonymous allegation, the shift supervisor shall:

- Create an internal review report and ensure it contains the original allegation and details of the interview with the victim that includes the offender denying the allegation and PC needs.
- Not initiate the Coordinated Response and the offender shall not be referred to medical or mental health.
- Review the allegation to ensure demonstration that:
 - The allegation was anonymous
 - There are statements by the alleged victim
 - The alleged victim denied the allegation
 - The victim had no PC needs associated with the allegation

This process shall only be followed for anonymous allegations.

Contact the PREA Coordinator or your chain of command for any questions relating to the Coordinated Response plan.