



Escambia County Corrections Department

Administrative Order

Institutional Operations



E.C.C.D. - IO .027

Subject: **Prison Rape Elimination Act (PREA)**

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Review Responsibility:
**Chief, Department
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Accreditation**

Related Documents:

- Farmer v. Brennan, 511 U.S. 825 (1994)**
- The Prison Rape Elimination Act (28 C.F.R. Part 115)**
- Prison Rape Elimination Act (PREA) Standards**
- Sections 794.011, 810.14, 943.0439, and 944.35, Florida Statutes**
- Florida Administrative Code 11B-27.0011, 11B-27.003(2) (a)**
- Inmate Handbook (English), Inmate Handbook (Spanish)**
- ECCD Administrative Order HR.006, "Authorized-Minimum Post Assignments."**
- ECCD Administrative Order IO.004, "Supervisory and Management Tours."**
- ECCD Administrative Order IO. 007, "Inmate Discipline."**
- ECCD Administrative Order IO.009, "Protective Custody Segregation."**
- ECCD Administrative Order IO.014, "Inmate Search Procedures."**
- ECCD Administrative Order IO.016, "Inmate Grievances."**
- ECCD Administrative Order IO.019 "Critical Event/Major Incident Reporting Procedures."**
- IO.028 Sexual Abuse and Sexual Harassment Complaints 2020-09-01**
- ECCD Administrative Order AM.008 "The Americans with Disabilities Act."**
- ECCD Administrative Order AM.009 "Department Records Management."**

FCAC/NCCHC

FCAC: 9.09

FMJS: 2.17 (a) (b), 3.2 (d), 4.11, 3.2 (1) (3) (5) (6) (7), 18.1 (a)

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POLICY: The Department will incorporate the Prison Rape Elimination Act National Standards into Administrative Orders, Standard Operating Procedures, and Post Orders and such standards will include, but not be limited to prevention planning, education, risk screening, official response, investigations, discipline, medical care, mental health care, reporting procedures, tracking, data review. There will be zero tolerance for any form of sexual abuse and/or sexual harassment, and such procedures will include prompt and effective intervention to address the safety and treatment needs of an inmate victim, and the investigation, discipline and prosecution of the aggressor(s). The

Department will conduct audits in compliance with §115.401-405. [PREA 115.11 (a), 115.93]
[FMJS 2.17, 3.2]

PROCEDURE:

IO 27.1

PREA Coordinator

1. An upper-level, agency-wide coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. This individual will coordinate the efforts of the assigned PREA managers, and provide routine updates, and progress reports on standards compliance; and notice of any problems. [PREA 115.11(b)]
2. The PREA coordinator will be given full access to Department facilities, records, equipment, and staff for the purpose of complying with the PREA standards.
3. All staff, regardless of rank, will cooperate with the PREA coordinator, recognizing that their efforts are being conducted under the authority of the chief of corrections.

IO 27.2

PREA Compliance Manager

PREA compliance managers will have sufficient time and authority to coordinate, develop, implement, and oversee agency efforts to comply with the PREA standards and such efforts will include, but may not be limited to: [PREA 115.11(c)]

1. Monitoring physical plant components to identify and correct deficiencies (blind spots, inadequate monitoring of sound, and non-incident viewing of showering, bodily functions, and the changing of clothing by inmates, e.g.).
2. Advising the PREA coordinator of all incidents/situations that may pertain to a violation of PREA standards to include forwarding any documentation describing such events.
3. Monitoring and evaluate staff to ensure their attitude, knowledge, communication and performance is conducive to a positive PREA culture, and standards.
4. Ensuring key information and materials used by auditors to evaluate compliance of PREA standards are used to question staff and inmate in preparation of PREA audits.

IO 27.3

Prevention Planning

1. The PREA coordinator and/or PREA compliance managers will be included in the policy review process, and during various levels of review ensure PREA national standards are incorporated into Department policies:
 - a. When the confinement of an Escambia County inmate is contracted to private or other government agencies the Fiscal Division will ensure new contracts include an obligation for complying with PREA standards. [PREA 115.12(a)]
 - b. The PREA coordinator will monitor agency contracts (including new or contract renewals) to ensure the contractor(s) is complying with the PREA standards. [PREA 115.12(b)]
 - c. The Department will ensure that each facility it operates will develop, document, and make its best efforts to comply on a regular basis (yearly) with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. The Chief of Corrections has established ECCD Administrative Order HR.006, "Authorized-Minimum Post Assignments" to maintain compliance with this standard. [PREA 115.13 (a-c)]
 - d. Proper sight and sound separation between youthful inmates (juveniles) and adults will be maintained in compliance with §115.14 through the establishment and review process of ECCD Administrative Order IS.006, "Juvenile Offenders." [PREA 115.14 (a-c)] [FMJS 18.1]
 - e. The Department will implement policies and procedures that enable 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 incidental to routine checks. Transgender and intersex inmates will be given the opportunity to shower separately in accordance with ECCD Administrative Order IS.001 "Inmate Hygiene." [PREA 115.15(d)] [PREA 115.42 (f)]
 - f. The Department will take appropriate steps to ensure that inmates with disabilities or who have limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Compliance with §115.16 will be maintained through the establishment and review process of ECCD Administrative Order AM.008, "The Americans with Disabilities Act." [PREA 115.16 (a-c)]

- 3) Unless prohibited by law, the agency will 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. [PREA 115.17 (h)]
- b. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department will consider the effect of the design, acquisition, expansion, or modification upon the department's ability to protect inmates from sexual abuse. The Department will also consider when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, how such technology may enhance the Department's ability to protect inmates from sexual abuse. [PREA 115.18 (a) (b)]
 - c. Ensure staff of the opposite gender announce their presence when entering an inmate housing unit, and these announcements are recorded in the daily log. Staff will knock and announce procedures concerning: [PREA 115.15 (d)]
 - 1) Hearing impaired or deaf individuals, a person of the same sex must enter the housing area prior to a member of the opposite sex, to inform the inmate that a member of the opposite sex will be working in the housing area.
 - 2) Visually impaired, or blind, the officer on duty, if of the opposite sex, will announce their presence prior to entering the inmate's cell or housing area.
 - 3) Mentally disabled, the officer on duty, if of the opposite sex, will announce their presence prior to entering the inmate's cell or housing area.
 - 4) Interaction with inmates with limited English proficiency, the officer on duty, if of the opposite sex, will announce their presence and place a sign (of the person's proficient language) in the window of the housing unit or cell, stating the announcement prior to entering the inmate's housing area or cell.
 - d. Ensure intermediate-level or higher-level supervisors conduct and document unannounced rounds on day shifts and on night shifts to identify and deter staff sexual abuse and sexual harassment. Staff are prohibited from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. ECCD Administrative Order IO.004,

“Supervisory and Management Tours” has been established by the Chief of Corrections to ensure these unannounced supervisory rounds are completed in all ECCD correctional facilities and while inmates are in the hospital. [PREA 115.13 (d)]

- e. If an inmate is visually impaired and/or cannot read, a staff member will read orientation materials to the inmate, or provisions will be made through the use of an audio or video tape to ensure they are fully informed of sexual abuse prevention and reporting.

IO 27.4 Responsive Planning

A criminal and/or administrative investigation will be completed for all allegations of sexual abuse / sexual harassment made by inmates / residences, and such complaints will be processed in accordance with applicable policy and the PREA Process Flow Chart (Attachment II). [PREA 115.22 (a)]

1. Sexual Abuse Allegations:
 - a. Allegations of inmate on inmate sexual abuse will require immediate law enforcement notification and implementation of procedures as outlined in ECCD Administrative I.O.028, “Sexual Abuse and Sexual Harassment Complaints” and ECCD Administrative Order IO.019 “Critical Event/Major Incident Reporting Procedures.”
 - b. Allegations of sexual abuse involving staff, contractors, technicians, volunteers, vendors, or program providers will require immediate law enforcement officer notification and implementation of procedures as outlined in ECCD Administrative I.O.028, “Sexual Abuse and Sexual Harassment Complaints” and ECCD Administrative Order IO.019 “Critical Event/Major Incident Reporting Procedures.”
 - c. A request will be made to the Escambia County Sheriff’s Office concerning criminal investigations, and will include: [PREA 115.71(b)]
 - 1) Uniform evidence protocol that maximizes the potential for obtaining useable physical evidence. [PREA 115.21 (a)]
 - 2) Protocol based on the most recent edition of the DOJ’s Office on Violence against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examination, Adults / Adolescents.” [PREA 115.21 (b)]

- 3) Offering victims of sexual abuse access to forensic medical examinations, without financial cost, where evidentiary or medically appropriate. [PREA 115.21 (c)]
 - 4) Requirement that examinations are performed by qualified medical practitioners. [PREA 115.21 (c)]
 - 5) Inmates with autism or an autism spectrum will be interviewed in accordance with ECCD Administrative Order IS.003, Interviews of Individuals with Autism or an Autism Spectrum Disorder. [Section 943.0439, Florida Statutes]
 - 6) Upon request of the victim, a victim advocate will accompany and support the victim through the forensic medical examination process, investigatory interviews and will provide emotional support, crisis intervention, information, and referrals. [PREA 115.21 (d-e)]
 - 7) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the Department will request that the investigating agency follow the requirements of paragraphs (1) through (6) of this section. [PREA 115.21 (f-g)]
 - 8) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member will be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. [PREA 115.21 (h)]
- d. The ECCD Internal Affairs Unit will be notified of all allegations involving sexual abuse to allow for administrative review and/or investigation.
2. Sexual Harassment Allegations:
 - a. Allegations involving inmate on inmate sexual harassment will be forwarded to the Escambia County Corrections Department Internal Affairs Unit, who will review and/or investigate all incidents.
 - b. Sexual harassment allegations involving staff, contractors, technicians, volunteers, vendors, or program providers, will be investigated by the Escambia County Corrections Department Internal Affairs Unit.
 3. The Department will publish ECCD Administrative I.O.028, "Sexual Abuse and Sexual Harassment Complaints" on the County website (www.myescambia.com) to ensure the policy and procedure is available to the public. The policy will

describe the responsibilities of the Escambia County Corrections Department and of the investigating law enforcement agency (Escambia County Sheriff's Office). The Department will also distribute publicity information on how to report sexual abuse and sexual harassment on behalf of an inmate. [PREA 115.21 (b-c), 115.54]

IO 27.5

Training and Education

1. The Department will provide initial and annual refresher training thereafter for all employees who may have contact with inmates on: [PREA 115.31 (a)]
 - a. The Department's zero-tolerance policy for sexual abuse/harassment. [PREA 115.31 (a) (1)]
 - b. How to fulfill their responsibilities under Department sexual abuse and sexual harassment awareness, prevention, detection, reporting, and response policies and procedures. [PREA 115.31 (a) (2)] [FCAC 9.09 A]
 - c. Inmate sexual abuse and sexual harassment confidentiality requirements. [FCAC 9.09 B]
 - d. Inmate's rights to be free from sexual abuse/harassment; and the right of inmates and employees to be free from retaliation for reporting sexual abuse/harassment. [PREA 115.31 (a) (3) (4)] [FMJS 3.2]
 - e. The dynamics of sexual abuse and sexual harassment in confinement. [PREA 115.31 (a) (5)]
 - f. The common reactions of sexual abuse and sexual harassment victims. PREA 115.31 (a) (6)]
 - g. How to detect/respond to signs of threatened/actual sexual abuse. [PREA 115.31 (a) (7)]
 - h. How to avoid inappropriate relationships with an inmate. [PREA 115.31 (a) (8)]
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming. [PREA 115.31 (a) (9)]
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. [PREA 115.31 (a) (10)]

- k. Training will be tailored to the gender of the inmates at the employee's facility. [PREA 115.31 (b)]
 - l. The Department will train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. [PREA 115.15 (f)]
 - m. The Department will document through employee signature that employees understand the training they have received. [PREA 115.31 (d)]
 - n. Information on current sexual abuse / harassment policies and procedures will be readily available at all times on PowerDMS software. [PREA 115.31 (c)]
2. The Department will ensure all volunteers and contractors who have contact with inmates understand the Department's sexual abuse and harassment prevention, detection, and response policies and procedures: [PREA 115.32 (a)]
- a. Training provided will be based on the level of contact with inmates. [PREA 115.32 (b)]
 - b. Volunteers and contractors will be notified of the Department's zero-tolerance policy regarding sexual abuse / harassment and be informed how to report such incidents. [PREA 115.32 (b)]
 - c. The department will maintain documentation confirming that volunteers and contractors understand the training they have received. [PREA 115.32 (c)]
3. Inmates will receive information during the intake process regarding the Department's zero tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment: [PREA 115.33 (a)]
- a. Additional training will occur within thirty (30) days through video or in person regarding their rights to be free from sexual abuse/harassment, Department policy and procedures for responding to incidents, and being free from retaliation for reporting such incidents. [PREA 115.33 (b)] [FMJS 3.2]
 - b. The Department will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. [PREA 115.33 (d)]

- c. The Department will maintain documentation of inmate participation in these education sessions. [PREA 115.33 (e)]
 - d. The Department will ensure key information is continuously and readily available or visible to inmates through posters, Inmate Handbooks, or other written formats. [PREA 115.33 (f)]
4. Staff conducting sexual abuse investigations will receive training in conducting such investigations in confinement settings: [PREA 115.34 (a)]
- a. Training will include techniques for interviewing victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria required to substantiate a case for administrative action or prosecution referral. [PREA 115.34 (b)]
 - b. The agency will maintain documentation that investigators have completed the required specialized sexual abuse training. [PREA 115.34 (c)]
5. Medical and Mental health care practitioners who work regularly in the facilities will be trained in: [PREA 115.35 (a) and (c)]
- a. How to detect and assess signs of sexual abuse and sexual harassment. [PREA 115.35 (a) (1)]
 - b. How to preserve sexual abuse evidence. [PREA 115.35 (a) (2)]
 - c. How to respond effectively professionally to victims of sexual abuse and sexual harassment. [PREA 115.35 (a) (3)]
 - d. How and when to report allegations or suspicions of sexual abuse and sexual harassment. [PREA 115.35 (a) (4)]
 - e. The training required in **IO 27.5 (1)** of this section. [PREA 115.35 (d)]
 - f. The Department will document, through employee signature or electronic verification that employees understand the training.

IO 27.6 Screening for Risk of Victimization and Abusiveness

All inmates will be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with ECCD Administrative Order IS.005, Classification Plan.” [PREA 115.41 (a)]

IO 27.7 Reporting

1. The Department will provide multiple ways for inmates or their representative(s) to privately report sexual abuse/harassment, retaliation, or staff neglect of such incidents, methods of reporting may include: [PREA 115.51 (a) (c)] [FMJS 3.2]
 - a. Verbally report to any staff member.
 - b. Electronic or Written request or grievance.
 - c. Victim Service Center Sexual Assault Hotline.
 - d. Statement of Complaint form on website. [PREA 115.54]
 - e. Anonymously report to any staff member.
 - f. Third party reports on behalf of an inmate. [PREA 115.54]
2. The Department will issue a final agency decision on the merits of a grievance alleging sexual abuse within ninety (90) days of the initial filing; however: [PREA 115.52 (d) (1)]
 - a. The Department will establish procedures for the filing of an emergency grievance whenever an inmate is subject to a substantial risk of imminent sexual abuse. [PREA 115.52 (f) (1)]
 - b. The Department will not impose a time limit on when an inmate may submit a grievance regarding alleged sexual abuse. [PREA 115.52 (b) (1)]
 - c. Additionally, all grievances alleging sexual abuse will be processed in accordance with PREA standard 115.52 and ECCD Administrative Order IO.016, "Inmate Grievances."
3. The Department will provide inmates with access to outside victim advocates for emotional support service related to sexual abuse via telephone numbers and mailing addresses: [PREA 115.53 (a)]
 - a. Inmates will be advised of the extent of monitored communications and of mandatory reporting laws. [PREA 115.53 (b)]
 - b. The Department will maintain memoranda of understandings or other agreements with community service providers that are able to provide inmate with confidential emotional support services related to sexual abuse. [PREA 115.53 (c)]

IO 27.8

Official Response following an Inmate Report

1. Staff will report according to Department policy any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, retaliation, or staff neglect of responsibilities: [PREA 115.61 (a)] [FMJS 3.2]
 - a. Medical and mental health practitioners will inform inmates of the practitioner's duty to report, and the limitation of confidentiality, at the initiation of services. [PREA 115.61 (c)]
 - b. Apart from reporting to designated supervisors or officials, staff will 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. [PREA 115.61 (b)]
 - c. All allegations of sexual abuse/harassment, including third party and anonymous reports, will be reported to the Department's designated investigators and may be forwarded to federal, state and local law enforcement agencies, if applicable. [PREA 115.61 (e)]
 - d. When the Department learns that an inmate is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the inmate. [PREA 115.62]
 - e. Upon receiving an allegation that an inmate was sexually abused while in the care, custody, or control of another agency; that agency will be notified within seventy-two (72) hours of the allegation and the notification will be documented in the incident report. [PREA 115.63 (a) (b) (c)]
 - f. Whenever other agencies call indicating an inmate received from ECCD is claiming that a PREA event occurred while in our custody, such claims will be immediately referred to the ECCD Internal Affairs Unit for review and disposition. [PREA 115.63 (d)]
2. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond will be required to: [PREA 115.64 (a)]
 - a. Separate the alleged victim and abuser. [PREA 115.64 (a) (1)]
 - b. Preserve and protect any crime scene and the victim until steps can be taken to collect any evidence. [PREA 115.64 (a) (2)]

3. Written institutional plans (I.O.028, "Sexual Abuse and Sexual Harassment Complaints") detail actions taken by first responders, medical, mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse/harassment: [PREA 115.65]
 - a. The Department will not enter into a collective bargaining, or other agreement limiting the Department's ability to remove staff from contact with inmates pending the outcome of a sexual abuse/harassment investigation. [PREA 115.66 (a)]
 - b. Any non-contact assignment will be expunged from a staff member's personnel file following a determination that the allegation of sexual abuse/harassment is not substantiated/sustained. [PREA 115.66 (b) (2)]
4. Department staff is encouraged to follow their chain of command to privately report sexual abuse and/or sexual harassment of inmates not previously reported; however, if not comfortable in doing so, he/she may directly contact the ECCD Internal Affairs unit.

IO 27.9 Retaliation

The Department will protect all staff and inmates who report sexual abuse/harassment or cooperate with investigations from retaliation. The PREA Coordinator will be charged with monitoring suspected, reported and/or known retaliation against staff and inmates pursuant to PREA standard 115.67. Protective measures may include: [PREA 115.67 (a)] [FMJS 3.2]

1. Housing changes or transfers for inmate victims or abusers to ensure no further contact. [PREA 115.67 (b)]
2. Removal of alleged staff or inmate abusers from contact with victims. [PREA 115.67 (b)]
3. Emotional support services will be provided for inmates or staff who fears retaliation for reporting sexual abuse or sexual harassment, or for cooperating with investigations. [PREA 115.67 (b)]
4. Monitoring the alleged victim and completing status checks for at least ninety (90) days and will continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need. [PREA 115.67 (c)]
5. Monitoring of victims/assailants will cease if an administrative or criminal investigation determines that the allegation of sexual abuse/harassment is unfounded. [PREA 115.67 (f)]

IO 27.10 Investigations

1. Allegations will be investigated promptly, thoroughly and objectively, including third-party and anonymous reports: [PREA 115.71 (a)]
 - a. The Department will use investigators who have received special training in sexual abuse pursuant to PREA standard 115.34. [PREA 115.71 (b)]
 - b. Criminal and administrative Department investigations will be conducted pursuant to PREA standard 115.71, and Florida statute 112, which requires the investigation to continue regardless of the employment status of the subject.
 - c. The Department will impose no standard higher than a preponderance of evidence to determine whether allegations of sexual abuse or sexual harassment are substantiated, unless a standard of clear and convincing evidence is required pursuant to an administrative hearing, or arbitration. [PREA 115.72]
2. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a Department facility, the Department will report to/inform the inmate as to the status of any criminal charges and whether the allegation has been determined to be substantiated/sustained, unsubstantiated/unsustained, or unfounded: [PREA 115.73 (a)]
 - a. Retention and/or release of any information will be pursuant to Chapter 119, Florida Statutes "Public Records".
 - b. Our Department's obligation to report under PREA standard 115.73 will be documented, however our Department's obligation to report to/inform the inmate will terminate if the inmate is released from custody. [PREA 115.73 (f)]

IO 27.11 Discipline

1. Staff will be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies, and termination will be the presumptive disciplinary sanction for staff substantiated/sustained for engaging in sexual abuse: [PREA 115.76 (a) (b)]
 - a. Disciplinary action will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary

history, and sanctions imposed for comparable offenses by other staff with similar work histories. [PREA 115.76 (c)]

- b. Resignations occurring while the subject is under investigation will be forwarded to the F.D.L.E pursuant to Section 943.13 (4) or (7), Florida Statutes, or Rule 11B-27.0011, Florida Administrative Code. [PREA 115.76 (d)]
 - c. FDLE “Internal Investigation Report” form CJSC 78 will be used to report sustained violations of the Department’s sexual abuse or sexual harassment policies and sustained violations will also be reported to law enforcement agencies.
2. Any contractor or volunteer who engages in sexual abuse or sexual harassment will be prohibited from contact with the inmate(s) pending a review, inquiry, and/or investigation: [PREA 115.77 (a)]
- a. The incident will be reported to local law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. [PREA 115.77 (a)]
 - b. The facility will take appropriate remedial measures, and consider prohibiting further contact with inmates, in the case of any other violation by a contractor or volunteer and such measures will be based on the nature and circumstances of the acts committed. [PREA 115.77 (b)]
3. Inmates accused of engaging in sexual abuse and / or sexual harassment will face a full disciplinary process pursuant to ECCD Administrative Order IO. 007, “Inmate Discipline,” and as a result may have disciplinary sanctions imposed against them: [PREA 115.78 (a)] [FMJS 13.2]
- a. An inmate may be disciplined for sexual contact with a staff member only upon a finding the staff member did not consent to such contact. [PREA 115.78 (e)]
 - b. A report of sexual abuse made in good faith based upon a reasonable belief the alleged conduct occurred will not constitute falsely reporting or lying. [PREA 115.78 (f)]
 - c. The Department may not deem sexual activity between inmates as sexual abuse if the activity is not coerced. [PREA 115.78 (g)]

IO 27.12

Medical and Mental Health Care

1. When screening indicates an inmate has experienced prior sexual victimization, or perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff will ensure the inmate is offered a follow-up meeting with Health Services within fourteen (14) days. [PREA 115.81 (a) (b) (c)]
2. Information related to sexual abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health, and other staff, as necessary, to inform treatment plans and security and management decisions. [PREA 115.81 (d)]
3. Health Services staff will obtain informed consent before reporting prior sexual victimization, not occurring in an institutional setting, unless the inmate is under age eighteen (18). [PREA 115.81 (e)]
4. The Department will offer ongoing medical and mental health care for sexual abuse victims and abusers consistent with the level of care available in the community: institutional setting, unless the inmate is under age eighteen (18). [PREA 115.83 (a) (c)]
5. Individuals who become victims of sexual abuse while incarcerated will receive timely, unimpeded access to emergency medical treatment, crisis intervention, testing for sexually transmitted infections and pregnancy-related medical services, if applicable, without financial costs. [PREA 115.82 (a) (c) (d)]
6. Inmate on inmate abusers will be offered treatment when deemed appropriate by mental health practitioners. [PREA 115.83 (f)]

IO 27.12

Data Collection and Review

1. A sexual abuse incident review will be conducted at the conclusion of every sexual abuse investigation, including those allegation(s) not substantiated: [PREA 115.86 (a)]
 - a. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. [PREA 115.86 (c)]
 - b. The review at a minimum will use standard 115.86 criteria to evaluate the incident and make recommendations for improvement, which will be implemented, or documented for the reason not doing so. [PREA 115.86 (e)]

2. The Department will collect accurate, uniform data for every allegation of sexual abuse at facilities under contract or its direct control using a standardized instrument and set of definitions and the data will be aggregated annually: [PREA 115.87 (a) (b)]
 - a. The incident-based data at a minimum will include information necessary to answer all questions from the most recent version of the *Survey of Sexual Violence* conducted by the Department of Justice. [PREA 115.87 (c)]
 - b. The Department will maintain, review, and collect data as needed from incident-based documents, including reports, investigation files, and sexual abuse incident reviews. [PREA 115.87 (d)]
3. The Department will review data collected and aggregated pursuant to standard 115.87 to improve its sexual abuse prevention, detection, and response policies, and training, in order to: [PREA 115.88 (a)]
 - a. Identify problem areas and take corrective action on an ongoing basis. [PREA 115.88 (a) (1) (2)]
 - b. Prepare an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. [PREA 115.88 (a) (3)]
4. The report will include a comparison of the current year's data and corrective actions with those from prior years and will: [PREA 115.88 (b)]
 - a. Provide an assessment of the Department's progress in addressing sexual abuse. [PREA 115.88 (b)]
 - b. Be maintained pursuant to Chapter 119, Florida Statutes and ECCD Administrative Order AM.009 "Department Records Management." [PREA 115.88 (c-d)]

IO 27.13 Required Website Information

The Department's annual report of its findings and corrective actions will be approved by the Chief of Corrections and made readily available to the public through its website or, other means: [PREA 115.88 (a) (3) (c)]

1. The Department's obligation to refer allegations of sexual abuse to a law enforcement agency with legal authority to conduct criminal investigations will be posted.

2. Results of the *Survey of Sexual Violence* conducted by the Department of Justice will be posted. [PREA 115.89 (b)]
3. The PREA Zero Tolerance policy and reporting form will be included on the website.
4. The PREA Final Report will be made available to the public on the website. [PREA 115.403]

IO 27.14

Community Corrections

Community Corrections Division staff will adapt applicable standards set forth in this policy to support the fundamental intent of PREA which is to protect clients from sexual harassment, and/or sexual abuse, and upon being notified of a situation and/or incident that may constitute a violation of the Prison Rape Elimination Act, and will follow the procedures set forth in ECCD Administrative Order IO.019 “Critical Event/Major Incident Reporting Procedures.

Definitions [PREA 115.5, 115.6]

- A. Agency: Means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority. [PREA 115.5]
- B. Agency Head: Means the principal official of an agency. [PREA 115.5]
- C. Community Confinement: A facility in which individuals reside as part of a term of imprisonment while participating in gainful employment, employment search efforts, community service, vocation training, treatment, and educational programs. [PREA 115.5]
- D. Contractor: Means a person who provides services on a recurring basis pursuant to a contractual agreement with the Department. [PREA 115.5]
- E. Detainee: Means any person detained in a lockup, regardless of adjudication status. [PREA 115.5]
- F. Direct Staff Supervision: Means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate. [PREA 115.5]
- G. Employee means a person who works directly for the agency or facility. [PREA 115.5]

- H. Exigent Circumstances: Means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility. [PREA 115.5]
- I. Facility: Means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals. [PREA 115.5]
- J. Facility Head: means the principal official of a facility. [PREA 115.5]
- K. Full Compliance: means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance. [PREA 115.5]
- L. Gender Nonconforming: Means a person whose appearance or manner does not conform to traditional societal gender expectations. [PREA 115.5]
- M. Inmate: Means any person incarcerated or detained in a prison or jail. [PREA 115.5]
- N. Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. [PREA 115.5]
- O. Jail: Means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility. [PREA 115.5]
- P. Juvenile: Means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail. [PREA 115.5]
- Q. Juvenile Facility: Means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system. [PREA 115.5]
- R. Law Enforcement Staff: Means employees responsible for the supervision and control of detainees in lockups. [PREA 115.5]
- S. Lockup: Means a facility that contains holding cells, cell blocks, or other secure enclosures that are: [PREA 115.5]
1. Under the control of a law enforcement, court, or custodial officer; and

2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.
- T. Medical Practitioner: Means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims. [PREA 115.5]
- U. Mental Health Practitioner: Means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims. [PREA 115.5]
- V. Pat-Down Search: Means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband. [PREA 115.5]
- W. PREA: Prison Rape Elimination Act.
- X. PREA Coordinator: An upper-level, agency-wide coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.
- Y. PREA Compliance Manager: Staff with sufficient time and authority to coordinate the Department’s efforts to comply with PREA.
- Z. Prison: Means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony. [PREA 115.5]
- AA. Resident: Means any person confined or detained in a juvenile facility or in a community confinement facility. [PREA 115.5]
- BB. Secure Juvenile Facility: means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility. [PREA 115.5]

CC. Security Staff: means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility. [PREA 115.5]

DD. Sexual Abuse by an Inmate: Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: [PREA 115.6]

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

EE. Sexual Abuse by Staff, Visitors, Contractors, or Volunteers: Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: [PREA 115.6]

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
4. Penetration of the anal or genital opening, however slight, by a hand, finger, or object, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
5. Any other intentional contact, either directly or through the clothing, 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.

6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section.
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, or voyeurism by a staff member, contractor, or volunteer.
 8. Voyeurism by a staff member, contractor, or volunteer.
- FF. Sexual Harassment: Repeated and unwelcome sexual advances, request for favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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. [PREA 115.6]
- GG. Staff: Means employees. [PREA 115.5]
- HH. Strip Search: Means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia. [PREA 115.5]
- II. Substantiated Allegation: Means an allegation that was investigated and determined to have occurred. [PREA 115.5]
- JJ. Transgender: A person whose gender identity (e.g., internal sense of feeling male or female) is different from the person's assigned sex at birth. [PREA 115.5]
- KK. Unfounded Allegation: Means an allegation that was investigated and determined not to have occurred. [PREA 115.5]
- LL. Unsubstantiated Allegation: Means an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred. [PREA 115.5]
- MM. Volunteer: Means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency. [PREA 115.5]
- NN. Voyeurism: Invasion of privacy of an inmate, detainee, or resident by staff, contractor, or volunteer for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions;

requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions. [PREA 115.6]

OO. Youthful Inmate: Means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail. [PREA 115.5]

PP. Youthful Detainee: Means any person under the age of 18 who is under adult court supervision and detained in a lockup. [PREA 115.5]

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Approved



7-7-21

William R. Powell, Chief
Escambia County Corrections Department

Date

Attachment I
Lesbian, Gay, Transgender, Bisexual and Intersex Inmates (LGTBI)

Policy:

This policy defines professional conduct and ethical standards of conduct for staff, inmates, other government employees, vendors, contractors, visitors or any other individual authorized to be present and/or to conduct business with the Escambia County Corrections Department; and/or to have contact with inmates with under their care and custody. Prison Rape Elimination Act (PREA) and National Health Care (NCCHC) standards will be used to facilitate the elimination of discrimination against; and address the appropriate classification, housing and treatment of; and provide for the specific safety, security and medical needs of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) inmates while maintaining the safety, security and orderly running of the Escambia County Corrections Department.

Principle One:

Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) inmates will be treated in a humane and respectful manner, by all individuals authorized to be present and/or to conduct business with the Escambia County Corrections Department; and have contact with inmates under their care and custody.

Principle Two:

The Escambia County Corrections Department has zero tolerance for any staff sexual misconduct or sexual harassment directed toward (LGBTI) inmates or detainees.

Communication:

1. Communication must be professional and without comments that could be deemed harassment.
2. Sexual harassment may include, but may not be limited to, statements or comments of a sexual nature; demeaning references to gender or derogatory comments about body, clothing; or profane or obscene language or gestures.
3. Transgender inmates will be addressed by last name or with a proper pronoun corresponding to the individual's chosen gender identity.
4. Ethical standards will include avoiding language that a reasonable person would consider demeaning, specifically, language aimed at a person's actual or perceived gender identity expression and/or sexual orientation.

5. Questions relating to an inmate's gender identity or gender expression will only be asked when necessary for ensuring proper classification, housing, and medical treatment.
6. Questions relating to an inmate's gender identity or gender expression will only be asked to protect the inmate's confidentiality and human dignity and avoid subjecting the inmate to abuse, humiliation, ridicule or assaults.
7. If an officer conducting a pat-down or strip search discovers that an inmate is a transgender with the opposite external genitalia, **they will immediately stop performing the search** (unless doing so would compromise security) **and notify their respective supervisor.**
8. The Escambia County Corrections Department will have zero tolerance for derogatory terms used towards members of the LGBTI community including LGBTI inmates.

Classification:

An LGBTI inmate's own views with respect to his or her own safety will be given significant consideration and recorded on their inmate record.

Attachment II PREA Flow Chart

