

<p align="center">BAKER COUNTY SHERIFF'S OFFICE CORRECTIONS BUREAU GUIDELINES</p>	<p align="center">NUMBER: CO 328</p>
<p>PAGES:</p> <p align="center">21</p>	<p align="center">EFFECTIVE DATE: 04/13/17</p> <p align="center">Revised: 05/15/09, 01/31/14, 04/13/17</p> <p align="center">Reviewed: 05/07/10, 04/14/11, 02/27/12, 02/19/13, 01/15/15, 01/26/16, 01/24/17, 01/18/18</p>
<p>SUBJECT:</p> <p align="center">PRISON RAPE ELIMINATION ACT</p>	<p align="center">ANNUAL REVIEW DATE: 12/30/19</p>

This guideline will be reviewed on an annual basis by the Corrections Bureau Director or designee. The review will be documented on an Office Memorandum, to the Sheriff, which outlines the review process and required updates, if any. A copy of this memorandum will be forwarded to the Professional Services Unit, which will maintain a review log of Standard Operating Guidelines.

I. Policy:

It is the policy of the Baker County Detention Center (BCDC) to comply with the provisions set forth in the Prison Rape Elimination Act (PREA). This policy addresses the prevention, intervention, treatment, investigation, tracking and reporting of inmate/detainee sexual assault/battery and staff sexual misconduct/harassment. BCDC shall make every effort to provide all inmate/detainees with a safe, humane, and secure environment, free from the threat of sexual assault/battery and staff sexual misconduct/harassment. As part of the orientation process, inmate/detainees shall be provided information regarding sexual assault/battery and staff sexual misconduct/harassment. In addition, all BCDC, volunteer and contractual staff shall receive training on sexual assault/battery and sexual misconduct/harassment. BCDC has a zero tolerance towards all forms of sexual abuse and sexual harassment to include but not limited to: incidents of inmate/detainee-on-inmate/detainee sexual assault/battery and staff sexual misconduct/harassment towards inmate/detainees. Reports of victimization can be made confidentially. All complaints of attempted sexual assault/battery, sexual assault/battery and staff misconduct/harassment shall be reported promptly and thoroughly investigated by the appropriate authorities. Information regarding a sexual assault/battery or sexual misconduct/harassment shall be only disclosed to those who need to know for the purpose of investigation, decision making, and/or prosecution.

**FMJS 2.17
FCAC 6.21
PREA 115.11(a)**

II. Definitions:

Abusive Sexual Contact is described as contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Exigent Circumstances is described as unusual occurrences that threaten the safe orderly operation of the facility. During these occurrences, safe swift action must be taken by staff in order to restore safety and control to the facility. (Examples: Fire and riots)

Nonconsensual Sexual Acts is described as contact of any person without his or her consent, or of a person who is unable to consent or refuse and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anus or genital opening of another person by a hand, finger, or other object.

Sexual Assault/Abuse on inmate/detainees is described as one or more inmate/detainees touching, or other actions and/or communications by one or more inmate/detainees aimed at coercing and/or pressuring another inmate/detainee to engage in a sexual act. Sexual acts or contacts between inmate/detainees, or staff and inmate/detainees even when no objections are raised, are prohibited acts.

FCAC 6.21

Sexual Harassment is described as 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/detainee directed towards another. Harassment is also defined as verbal comments or gestures of a sexual nature to an inmate/detainee 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.

Staff is described as any member employed by the Baker County Sheriff's Office. Contractual employees employed by the medical and food service provider are also considered Baker County Sheriff's Office staff.

Staff Sexual Misconduct is described as consensual or nonconsensual sexual acts including: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

Volunteer is described as any person who donates time to the Baker County Sheriff's Office or the Baker County Detention Center and is not employed by the agency as staff.

Voyeurism is described as an invasion of privacy of an inmate/detainee by staff for reasons unrelated to official duties, such as peering at an inmate/detainee who is showering, using the toilet in his/her cell to perform bodily functions; requiring an inmate to expose her/her buttocks, genitals, or breasts; or taking images of all or part on an inmate/detainee's naked body.

Engaging in, or attempting to engage in a sexual act with any inmate/detainee or the intentional touching of an inmate/detainee's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between inmate/detainee and inmate/detainee, or inmate/detainee and staff, even when no objections are raised, are always illegal.

III. Guideline:

A. Screening and Classification – All inmates/detainees entering into the facility are screened by the Medical Staff and classified by facility staff. Classification will be completed during the booking process and the recommendations will be reviewed by a first line supervisor for completeness and accuracy.

When an inmate/detainee reports having been a victim of sexual assault/abuse and expresses a willingness to participate in treatment, staff shall refer the inmate/detainee to Medical Staff. They will assess the inmate/detainee's need for treatment and discuss available treatment options when appropriate. Every inmate/detainee will complete a questionnaire during the Classification process in order to determine those inmate/detainees that may be at risk of being victimized.

FCAC 9.15 M

B. Prevention – All staff and inmate/detainees are responsible for being alert to signs of potential situations in which sexual assaults may occur. Sexual contact will be discouraged and prevented through inmate/detainee supervision and the practice of professional ethics by employees.

1. Prevention of Inmate Sexual Abuse/Assault

a. Proper patrol procedures and vigilance are imperative in preventing sexual abuse/assault. 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.

2) Members shall identify and eliminate or minimize blind spots, as dictated by facility design.

3) All members shall be cognizant of their post and surroundings at all times.

4) There shall be proper lighting in cell areas. Lights must be uncovered and properly maintained.

5) Windows shall be free of clutter and not covered (including direct observation housing viewing glass).

6) No clothing or bedding or other materials shall hang over bunks, which obscure proper line-of-sight.

7) Staff members of the opposite gender will announce their presence when entering an inmate/detainee housing unit.

8) Inmate/detainee's will be allowed to shower, perform bodily functions, and change clothing without non-medical 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.

PREA 115.11(a)
PREA 115.15(d)

C. Preventing sexual assault/abuse also suggests that staff should attempt to identify sexual assaultive inmate/detainees. In fact, care must be taken to identify and document any history of sexual assaultive behavior.

PREA 115.11(a)

Accordingly, during intake screening procedures, staff shall review available documentation for any indication that an inmate/detainee has a history or sexually aggressive behavior. Staff shall refer any inmate/detainee with a history of sexually abusive behavior to Medical Staff for an assessment and possible treatment.

IV. Staff Training

A. All staff will be trained to:

1. Recognize the physical, behavioral, and emotional signs of sexual assault/abuse;

FMJS 2.17 (a 1)
FCAC 5.10 M, 5.11 M
PREA 115.11(a)

2. Understand the identification and referral process when an alleged sexual assault/abuse occurs;

FMJS 2.17 (a 2)
FCAC 5.10 M, 5.11 M

3. Have a basic understanding of sexual assault prevention, reporting, response techniques and confidentiality requirements.

FMJS 2.17 (a 3)
FCAC 5.10 M, 5.11 M

4. Staff shall be trained in:

a. Its zero-tolerance policy for sexual abuse and sexual harassment;

b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

c. Inmates' rights to be free from sexual abuse and sexual harassment;

d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

e. The dynamics of sexual abuse and sexual harassment in confinement;

f. The common reactions of sexual abuse and sexual harassment victims;

g. How to detect and respond to signs of threatened and actual sexual abuse;

h. How to avoid inappropriate relationships with inmates;

i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

PREA 115.31(a)

5. Staff will be trained 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)

6. The facility shall insure that all full and part time medical and mental health care practitioners who work regularly in the facility have been trained in:

- a. How to detect and assess signs of sexual abuse and sexual harassment;
- b. How to preserve physical evidence of sexual abuse;
- c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- d. How and whom to report allegations or suspicions of sexual abuse and sexual harassment.

PREA 115.35(a)

7. The agency shall ensure that all volunteers and contractors who have contact with inmate/detainees have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

PREA 115.32(a)

8. The level and type of training provided to volunteers and contractors shall be based on the services that they provide and the level of contact they have with inmate/detainees, but all volunteers and contractors who have contact with inmate/detainees shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

PREA 115.32(b)

B. New Employees:

For new employees, a discussion of sexual assault/abuse prevention and intervention shall be part of the Employee Orientation training and should include a review of the Detention Centers sexual assault/abuse policy and staff responsibilities to prevent and report sexual assaults. For existing staff, additional extensive information about the program shall be included as a part of the Annual Refresher Training.

**FMJS 2.17 (a)
PREA 115.31(c)**

C. Documentation:

1. The facility shall maintain documentation that staff, including medical and mental health practitioners, has received required training.

PREA 115.35(c)

2. Verification shall be made through employee's signature or electronic verification that employees understand the training that they have received.

PREA 115.31(d)

3. The agency shall maintain documentation confirming that volunteers and contractors understand the training that they have received.

PREA 115.32(c)

V. Inmate/Detainee Education

A. As part of the Admissions process, a staff member shall provide an Inmate/Detainee handbook that contains information about the Sexual Assault/Abuse prevention and Intervention program, including:

FMJS 2.17 (b)
FCAC 9.16 M

1. How inmate/detainees can protect themselves from becoming victims while incarcerated,

FMJS 2.17 (b)
FCAC 9.16 M

2. Treatment options available to victims of sexual assault, and

FMJS 2.17 (b)
FCAC 9.16 M

3. Methods of reporting incidents of sexual assault/abuse, including how to use the PREA hot-line.

FMJS 2.17 (b)
FCAC 9.16 M

4. The agency shall take appropriate steps to ensure that inmate/detainees with disabilities (including but not limited to those who are blind or have low vision, deaf or hard of hearing, or those who have intellectual, psychiatric or speech 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.

PREA 115.16(a)

VI. Reporting

A. The Baker County Detention Center shall provide multiple internal ways (request form, grievance form, verbal reporting to staff) for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reports may be made verbally, in writing, anonymously, or from third parties. Staff shall promptly document any verbal reports.

PREA 115.51(a)(c)

B. The Baker County Detention Center shall also provide inmate/detainees a way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

PREA 115.51(b)

C. Detainees shall be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

PREA 115.51(b)

D. Baker County Detention Center staff members may privately report sexual abuse and sexual harassment of inmates directly to the Detention Investigator.

PREA 115.51(d)

E. Deputies Role: Once an inmate/detainee has alleged sexual assault/abuse to a Deputy verbally or in writing, the Deputy must immediately inform an on-duty Supervisor so that he/she can start an assessment and report. Staff shall immediately report 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; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

PREA 115.61(a)

F. Supervisor Role: The Supervisor must remove the inmate/detainee from the threat by placing him/her in Administrative Custody or Protective Custody status. The Supervisor will assess the need for medical attention, and whether or not the place of the assault needs to be made a crime scene. The Supervisor must make a written report to forward to the Bureau Director via the chain-of-command. If the assessment calls for medical attention, the area made into a crime scene, and Detective Division supervisor or designee to be contacted, the Supervisor must make immediate contact with the Bureau Director.

FCAC 19.19

1. If the incident involves Immigration detainees, telephonic notification must be made to the local SDDO. If contact is not made within 30 minutes of the telephone call, the Chief of Security must be contacted and made aware that contact with the SDDO has not been made. The Chief of Security will attempt to make contact one final time with the local SDDO. If contact is not made during this attempt, the AFOD will be notified telephonically.

2. If the incident involves USMS inmates, the Chief of Security will be notified with the pertinent information of the incident. The Chief of Security will in turn notify the Supervisory Deputy of the USMS.

3. If the victim is female, there **must** be a female staff member present during the assessment process.

4. Assessments **must** be made by a Supervisor or above and a written report completed and forwarded of all assessments.

NOTE: Whenever possible, an assessment of a female shall be made by a female Sergeant or above.

G. The facility shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

PREA 115.22(a)

H. The facility shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to the Detention Center Investigator to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

PREA 115.22(b)

I. An inmate/detainee who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint and such grievance is not referred to a staff member who is the subject of the complaint.

PREA 115.52(c)(1)(2)

J. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmate/detainees of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

PREA 115.61(c)

K. Apart from reporting to designated supervisors or investigators, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency guidelines, to make treatment, investigation, and other security and management decisions.

PREA 115.61(b)

L. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, the facility shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

PREA 115.61(d)

K. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigator.

PREA 115.61(e)

VII. Prompt and Effective Intervention

A. Staff awareness toward inmate/detainees who are victims of sexual assault/abuse is critical. Staff shall take seriously all statements from inmate/detainees that they have been victims of sexual assault/abuse and respond supportively and non-judgmentally. Any inmate/detainee who alleges that he or she has been sexually assaulted/abused shall be offered immediate protection from the assailant and will be referred for a medical examination as well as a clinical assessment of the potential for suicide or other related symptoms.

PREA 115.11(a)

B. Upon learning of an allegation that an inmate/detainee was sexually abused, the first security staff member to respond to the report shall be required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the 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, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;
4. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.

PREA 115.64(a)

C. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

PREA 115.64(b)

D. Inmate/detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services as deemed necessary by the contract medical and mental health provider.

PREA 115.82(a)

E. Treatment services shall be 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.

PREA 115.82(d)

F. Inmate/detainees will be reclassified immediately into Administrative or Protective custody status during the investigative process.

G. Inmate/detainees who are placed in Administrative or Protective custody status may have this as a permanent status if it is determined that they have been sexually assaulted.

H. The facility shall provide services to victims and shall conduct investigations of sexual assault/abuse incidents. Information concerning the identity of an inmate/detainee victim reporting a sexual assault/abuse, and the fact of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the inmate/detainee-victims welfare and for law enforcement/investigative purposes.

PREA 115.11(a)

I. The facility shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's) where possible. If SAFE's or SANE's cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts for provide SAFE's or SANE's.

PREA 115.21(c)

J. The agency shall attempt to make available to the victim a victim advocate.

PREA 115.21(d)

K. As requested by the victim, the victim advocate shall be allowed to accompany and support the victim through the forensic medical examination process and investigatory process, and shall provide emotional support, crisis intervention, information and referrals.

PREA 115.21(e)

VIII. Perpetrator Identification

A. When a staff member is alleged to be the perpetrator of inmate/detainee sexual assault/abuse, the Bureau Director shall be advised immediately. The Bureau Director shall refer the incident directly to the Corrections Bureau Investigator. The timely reporting of all incidents and allegations is of paramount importance. Staff will be subject to significant disciplinary sanctions for sustained violations of sexual abuse or harassment.

1. Legal Consequences for Staff Sexual Misconduct against Inmates According to Section 951.221, F.S.

a. Sexual misconduct against inmates, without committing the crime of sexual battery, is a felony of the third degree in the Florida State Statutes.

b. Consent of an inmate to any act of sexual misconduct may not be raised as a defense to a prosecution under Staff Sexual Misconduct against inmates.

c. Notwithstanding prosecution, if the agency finds that a member has violated prohibitions against sexual misconduct against inmates, this constitutes sufficient cause for dismissal of the violator and such person may not again be employed in any capacity in connection with the correctional system.

d. It is important for members to realize that these problems are not limited by the age or gender of the inmate(s) or of the staff member.

B. When an inmate/detainee is alleged to be the perpetrator, it is the Bureau Commanders responsibility to ensure that the incident is promptly investigated and charges filed.

IX. Investigative Process

A. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations.

PREA 115.71(b)

B. If an inmate/detainee alleges sexual assault/abuse, a swift and coordinated response is necessary. Investigations will be done so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

PREA 115.71(a)

1. Staff shall preserve the crime scene. Evidence will be gathered by the evidence technician/investigator.

2. Based on such factors as availability of in-house expertise and general security considerations, the Corrections Bureau Investigator may use either a staff physician or a local hospital to examine the victim for physical injuries only. The results of the physical examination and all collected physical evidence are to be provided to the Investigator.

3. Appropriate infectious disease testing, as determined by Medical Staff, may be necessary. Part of the investigation process may also include an examination of and collections of physical evidence for the suspected assailant(s).

C. Investigators shall gather and preserved 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.

PREA 115.71(c)

D. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

PREA 115.71(d)

E. 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 an inmate/detainee or staff.

PREA 115.71(e)

F. Inmate/detainees who allege sexual abuse shall not be required to submit to a polygraph examination or other truth-telling devices as a condition for proceeding with the investigation of such an allegation.

PREA 115.71(e)

G. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

PREA 115.71(g)

H. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

PREA 115.71(h)

I. The agency shall retain all written reports for as long as the alleged abuser is incarcerated in the facility or employed by the agency, plus five years.

PREA 115.71(i)

J. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

PREA 115.71(j)

K. When another state entity or the Department of Justice is contacted to conduct an investigation, that entity shall do so pursuant to the above requirements.

PREA 115.71(k)

L. When an outside agency investigates a case of sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

PREA 115.71(l)

M. The agency shall impose no standard higher than the preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

PREA 115.72(a)

X. EVIDENCE COLLECTION

This portion of guideline has been adapted from the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents."

PREA 115.21(b)

Investigators assigned to investigate sexual assault in the detention facility will:

A. Ensure that the victim does not contaminate or destroy evidence by bathing, showering, or urinating.

B. Determine what clothing was worn by the victim at the time of the incident. If the victim has changed

clothes, locate and secure each item of clothing in a separate paper bag, as evidence. (The deputy should observe appropriate biohazard precautions when handling this type of evidence, i.e., rubber gloves, biohazard labels, etc.)

CFA 18.12 M, C

C. It is critical to air-dry wet evidence at room temperature in a clean, sterile environment and quick manner that prevents contamination. A drying box or other device may be used to facilitate the drying process.

D. When packaging dry evidence, use paper containers rather than plastic, because plastic containers retain moisture and promote degradation of biological evidence. Following proper drying and packaging procedures is vital to prevent the growth of mold and bacteria that can destroy an evidentiary sample.

E. Transit time between collection of evidence and storage of kits will be minimal. To avoid potential degradation of evidence, it is important to transport kits containing liquid samples and other wet evidence in a timely fashion.

F. Those involved in evidence management and distribution should be educated on the specifics of these procedures and their responsibilities.

G. Those involved in storing biological evidence should be knowledgeable regarding optimal storage conditions as well as the hazards for handling and storing evidence such as blood and urine.

H. Examiners must maintain control of evidence during the exam, while evidence is being dried, and until it is in the kit container and sealed.

I. Documentation should continue with each transfer of the evidence to law enforcement, the crime laboratory, and others involved in the investigative process.

J. Evidence collected is used in four potential ways in sexual assault cases:

1. To identify the suspect;
2. To document recent sexual contact;
3. To document force, threat, or fear; and
4. To corroborate the facts of the assault.

K. Be aware of and document evidence and injuries that may be pertinent to the issue of whether the patient consented to the sexual contact with the suspect. However, the absence of physical trauma does not mean that coercion/force was not used or prove that patients consented to sexual contact.

XI. Retaliation on Those that Report Abuse

A. The facility will protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or harassment investigations from intimidation or retaliation by other inmate/detainees or staff. Protection measures may include, but are not limited to: housing changes or transfers for inmate/detainee victims or abusers, removal of alleged staff or inmate/detainee abusers from contact with the victims, and emotional support services.

PREA 115.67(b)

1. The Classification Deputy will be responsible for the monitoring of possible intimidation/retaliation of inmate/detainee victims. Monitoring will last for a period of (90) days to include: any inmate disciplinary reports, housing changes, program changes, or any negative

performance reviews or reassignments of staff. Monitoring shall include periodic status checks. Monitoring may be continued if the initial monitoring indicates a continued need for such.

PREA 115.67(a)(c)(d)

2. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

PREA 115.67(e)

3. The Baker County Detention Center's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

PREA 115.67(f)

XII. Ongoing Care for Victims

A. The facility or its provider will offer medical and mental health evaluations (and treatment where appropriate) to all victims of sexual abuse that occurs in any prison, jail, lockup, or juvenile facility. Treatment may include follow-up services, treatment plans, and (when necessary) referrals for continued care following a transfer or release.

B. The facility shall provide inmate/detainees with access to outside victim advocate services for emotional support related to sexual abuse by giving inmate/detainees mailing addresses and telephone numbers for such services available.

PREA 115.53(a)

C. The facility shall inform inmate/detainees, 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.

PREA 115.53(b)

XIII. Reporting to Inmate/Detainees

A. Following an investigation into an inmate/detainee's allegation that he or she suffered sexual abuse in the detention facility, the agency shall inform the inmate/detainee as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

PREA 115.73(a)

B. Following an inmate/detainee's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate/detainee (unless the agency has determined that the allegation is unfounded) whenever:

1. The staff member is no longer posted within the inmate/detainee's unit;
2. The staff member is no longer employed at the facility;
3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

PREA 115.73(c)

C. Following an inmate/detainee's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
2. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

PREA 115.73(d)

D. All such notifications or attempted notifications are documented.

PREA 115.73(e)

E. The obligation to report shall terminate if the inmate/detainee is released from the facility.

PREA 115.73(f)

F. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate/detainee.

PREA 115.73(b)

XIV. Disciplinary Sanction for Inmate/Detainees

A. Inmate/detainees shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate/detainee engaged in inmate/detainee-on-inmate/detainee sexual abuse or following a criminal finding of guilt for inmate/detainee-on-inmate/detainee sexual abuse.

PREA 115.78(a)

B. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmate/detainees with similar histories.

PREA 115.78(b)

C. The disciplinary process shall consider whether an inmate/detainee's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

PREA 115.78(c)

D. Inmate/detainees will be offered therapy, counseling, and other interventions designed to address and correct the underlying reasons or motivations for sexual abuse.

PREA 115.78(d)(1)

E. The facility may require the offending inmate/detainee to participate in such interventions, therapy, or counseling as a condition of access to programming and other benefits.

PREA 115.78(d)(2)

F. Inmate/detainees may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

PREA 115.78(e)

G. For the purpose of disciplinary actions, a report of sexual abuse made in good faith based upon a reasonable believe that the alleged conduct occurred shall not constitute falsely report an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

PREA 115.78(f)

XV. Sexual Abuse Incident Reviews

A. Sexual abuse incident reviews will be conducted at the conclusion of every sexual abuse investigation, including those where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

PREA 115.86(a)

B. Reviews will be conducted within 30 days of the conclusion of the investigation by a review team comprised of the Chief of Security, B.C.D.C. Investigator, a line supervisor, and the Health Service Administrator. Reviews shall:

1. Consider whether the allegation or investigation indicated a need to change guideline or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

4. Assess the adequacy of staffing levels in the area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this paragraph and any recommendations for improvement and submit such report to the facility head and PREA Coordinator.

PREA 115.86(b)(c)(d)

C. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

PREA 115.86(e)

XVI. Reporting to Other Confinement Facilities

A. Upon receiving an allegation that an inmate/detainee was sexually abused while confined at another facility, Bureau Director or his designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

PREA 115.63(a)(b)

B. Documentation shall be made stating that such notification has been made.

PREA 115.63(c)

C. Upon notification from a different confinement facility to the Baker County Detention Center Bureau Director that a sexual assault has occurred in the Baker County Detention Facility, the Bureau Director shall ensure that the allegation is investigated in accordance with PREA standards.

PREA 115.63(d)

XVII. Data Collection

A. The agency shall collect accurate, uniform data for every allegation of sexual abuse reported. The data collected shall 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.

PREA 115.87(a)(c)

B. The agency shall aggregate the sexual abuse data at least annually in order assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions.

PREA 115.87(b)

PREA 115.88(a)

C. Such reports shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

PREA 115.88(b)

D. The agency's report shall be approved by the agency head and made readily available to the public through the Baker County Sheriff's Office website at least annually.

PREA 115.88(c)

PREA 115.89(b)

E. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

PREA 115.88(d)

PREA 115.89(c)

F. The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

PREA 115.87(d)

G. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

PREA 115.87(f)

H. The agency shall ensure that data collected is securely retained. Sexual abuse data collected shall be maintained for at least 10 years after the date of initial collection unless required otherwise by federal, state, or local law.

PREA 115.89(a) (d)

XVIII. Inmate/Detainees with Disabilities and Inmate/Detainees Who Are Limited English Proficient

A. Upon intake of a new inmate/detainee, booking staff will make best effort in an attempt to identify those inmate/detainees considered to be limited English proficient. If an inmate/detainee is identified to be limited English proficient, the inmate/detainee's preferred language of choice will be notated in the Jail Booking system with a "Special Requirement" tab for LEP. A notation will be made stating the language of choice and documentation will be made on the PREA Orientation Form. Notification will be sent to the Classifications Deputy and the PREA Coordinator prior to the end of shift.

B. Upon notification from the booking supervisor, the Classifications Deputy along with the PREA Coordinator will conduct an interview using the interpreter service language line in order to complete their Sexual Assault Education. Notation will be made on the PREA Education Acknowledgement form. The requested language that was used for the interview will be document in the form.

C. The agency shall 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 inmate/detainees with disabilities or who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both respectively and expressively, using any necessary specialized vocabulary.

PREA 115.16(b)

D. The agency shall take appropriate steps to ensure that inmate/detainees 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.

PREA 115.16(a)

E. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmate/detainees with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

PREA 115.16(a)

F. The agency shall not rely on inmate/detainee interpreters, inmate/detainee readers, or other types of inmate/detainee assistants 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, or the investigation of the inmate's allegations.

PREA 115.16(c)

G. Refer to SOG MB 119 Americans with Disabilities Act and Interpretive Services for further guidance.

XIX. PREA Audits

A. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that the facility is audited at least once.

PREA 115.401(a)

B. The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that the facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.

PREA 115.401(c)

C. The agency shall bear the burden of demonstrating the compliance with the standards.

PREA 115.401(e)

D. The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.

PREA 115.401(f)

E. The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

PREA 115.401(g)

F. The auditor shall have access to, and shall observe, all areas of the audited facilities.

PREA 115.401(h)

G. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

PREA 115.401(i)

H. The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

PREA 115.401(j)

I. The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.

PREA 115.401(k)

J. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.

PREA 115.401(l)

K. The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

PREA 115.401(m)

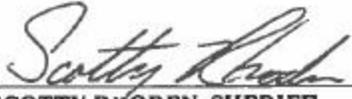
L. Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

PREA 115.401(n)

M. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

PREA 115.401(o)

APPROVED:

A handwritten signature in cursive script, reading "Scotty Rhoden", written in black ink. The signature is positioned above a horizontal line.

**SCOTTY RHODEN, SHERIFF
BAKER COUNTY, FLORIDA**