



# SANTA ROSA COUNTY SHERIFF'S OFFICE

**Sheriff Bob Johnson**



<b>General Order: O-123</b>		<b>PRISON RAPE ELIMINATION ACT OF 2003 (PREA)</b>	
<b>Distribution:</b> All Detention Members	<b>Issue Date:</b> 12/21/2015	<b>Effective Date:</b> 12/31/2015	<b>Review Responsibility:</b> Capt. Barbara Stearns
<b>Standard:</b> FCAC: 9.09 M, 30.01 M, 30.03 M, 30.04 M Prison Rape Elimination Act of 2003		<b>Rescinds/Amends:</b> O-123 (7/16/2015)	<b>Forms:</b> SRCJ 13-034, 13-037, 13-042, 13-046, 13-047, 12-016

## POLICY

The facility shall establish standards as defined by the Prison Rape Elimination Act of 2003 (Public Law 108-79 Sept. 04, 2003). These standards are established for the reduction and punishment of sexual abuse of inmates; to address the safety and treatment needs of inmates who have been a victim of a sexual act; and to discipline and prosecute those who perpetrate these acts upon inmates. The Santa Rosa County Sheriff's Office Detention Division has a zero tolerance towards all forms of sexual abuse and sexual harassment in the facility.

The Santa Rosa County Sheriff's Office Detention Division is committed to the safety of any individual confined to Department custody or lodged in a correctional facility. The Department also has a zero-tolerance standard for sexual abuse involving inmate-on-inmate behaviors and staff-on-inmate behaviors. The Department will respond to all reports of sexualized behavior or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure. [FCAC 30.01 M]

Federal Prison Rape Elimination Act (PREA), 2003; Standards for the Prevention Detection, Response, and Monitoring of Sexual Abuse in Adult Prisons and Jails.

### **I. Prevention Planning**

#### **A. §115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator**

1. The Santa Rosa County Sheriff's Office Detention Division has a zero tolerance toward all forms of sexual abuse and sexual harassment in this facility. [§115.11 (a)-1]
2. This policy will outline how the Santa Rosa County Sheriff's Office Detention Division will implement the agency's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. [§115.11 (a)-2]
3. General definitions and definitions of prohibited behaviors regarding sexual abuse and sexual harassment [§115.11 (a)-3]:

Contractor – a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Employee – a person who works directly for the agency.

*Exigent circumstance* – 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.

*Gender nonconforming* – a person whose appearance or manner does not conform to traditional societal gender expectations.

*Inmate* – any person incarcerated or detained in a prison or jail.

*Intersex* – a person whose 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 sexual development.

*Jail* – a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold person pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or person adjudicated guilty who are awaiting transfer to a correctional facility.

*Pat-down* – means a running of hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

*Staff* – employee.

*Strip search* – 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.

*Transgender* – a person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

*Substantiated allegation* – an allegation that was investigated and determined to have occurred.

*Unfounded allegation* – an allegation that was investigated and determined not to have occurred.

*Unsubstantiated allegation* – an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

*Volunteer* – an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

*Youthful inmate* – any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

*Sexual abuse includes* –

- (1) Sexual abuse of an inmate or detainee by another inmate or detainee; and
- (2) Sexual abuse of an inmate or detainee by a staff member, contractor, or volunteer.

*Sexual abuse of an inmate or detainee by another inmate or detainee* includes any of the following acts, if the victim does not consent, is coerced into such act by open or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and 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; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin,

breasts, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

*Sexual abuse of an inmate or detainee by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the inmate or detainee:

- (1) Contact between the penis and the vulva or the penis and 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, object, or other instrument, 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, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to the 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 breasts in the presence of an inmate or detainee, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

*Voyeurism by a staff member, contractor, or volunteer* – an invasion of privacy of an inmate or detainee, by staff for reasons unrelated to official duties, such as peering at an inmate who is using the toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitalia, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

*Sexual harassment includes* –

- (1) Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or detainee directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate or 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.

4. Disciplinary Sanctions-for those found to have participated in prohibited behaviors [§115.11 (a)-4]:

- a) Santa Rosa County Sheriff’s Office Detention Division staff members, contractors, or volunteers, will be subjected to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies.
- b) Staff that has engaged in sexual abuse can be terminated from Santa Rosa County Sheriff’s Office.
- c) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to SRSO Administration and Internal Investigations Unit, unless the activity was clearly not criminal, and to any relevant licensing bodies.
- d) Other disciplinary sanctions for violating the sexual abuse or sexual harassment policy that does not include actually engaging in sexual abuse will be based on the following:
  - i. The nature and circumstances of the acts committed.
  - ii. The staff member’s disciplinary history.

- iii. The sanctions imposed for similar offenses by other staff with similar histories.
  - e) Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to SRSO Administration.
  - f) The Santa Rosa County Sheriff's Office Detention Division will take appropriate remedial measures, in considering whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, the facility will consider whether to prohibit further contact with inmates.
  - g) Inmates will be subject to disciplinary sanctions through a formal disciplinary process following:
    - i. An administrative finding that the inmate engaged in Inmate-on-Inmate sexual abuse.
    - ii. Following a criminal finding of guilt for Inmate-on-Inmate sexual abuse.
5. Inmate disciplinary sanctions will take in consideration the following:
    - a) The nature and circumstances of the abuse committed.
    - b) The inmate's disciplinary history.
    - c) The sanctions imposed for similar offenses by other inmates with similar histories.
    - d) Inmates' mental disabilities or mental illness.
  6. The Jail will discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
  7. An inmates' report of sexual abuse made in good faith and based on reasonable belief will not be disciplined for falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.
  8. Santa Rosa County Sheriff's Office Detention Division prohibits all sexual activity between inmates and will discipline inmates for any such activities.
  9. Santa Rosa County Sheriff's Office Detention Division will not deem the activity as sexual abuse if it was not coerced.
  10. This policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates. [§115.11 (a)-5]
  11. The Santa Rosa County Sheriff's Office employs a PREA Coordinator. The PREA Coordinator is an upper-level, agency-wide person with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards within the facility. [§115.11 (b)-1]
  12. The PREA Coordinator will be an upper-level position with sufficient time and authority to develop, implement, and oversee the Jail efforts to comply with PREA standards. The PREA Coordinator is tasked with auditing, collecting and maintaining information on each instance of alleged inmate-on inmate sexual acts or abusive sexual contact, and each instance of staff-on-inmate sexual misconduct or sexual harassment. A designee may be assigned in periods of Coordinators absence. [§115.11 (b)-2]
  13. The PREA Coordinator is in the agency's organizational structure. [§115.11 (b)-3]
  14. The Santa Rosa County Sheriff's Office Detention Division has a designated PREA Compliance Manager. [§115.11 (c)-1]

15. The PREA Compliance Manager has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. [§115.11 (c)-2]
16. The PREA Compliance Manager is in the agency's organizational structure. [§115.11 (c)-3]
17. The PREA Compliance Manager reports directly to the Detention Division Major or his/her designee in the Detention Division Major's absence. [§115.11 (c)-4]

**B. § 115.12 Contracting with other entities for the confinement of inmates**

1. Any contract entered into for the confinement of inmates after August 20, 2012, or since the last PREA audit, whichever is later, requires:
  - a) All of the contractors to adopt and comply with PREA standards. [§115.12 (a)-1]
  - b) All contracts require the agency to monitor the contractor's compliance with PREA standards. [§115.12 (a)-2]

**C. § 115.13 Supervision and Monitoring**

1. Santa Rosa County Sheriff's Office Detention Division will develop, document, and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing, and where applicable, video monitoring to protect inmates against sexual abuse. [§115.13 (a)-1]
2. Shift Supervisors will maintain each housing area has adequate personnel to comply with PREA Standards for Supervision and Monitoring.
3. Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. [§115.13 (b)-1]
  - a) The shift OIC will update their post orders throughout the shift to document staffing assigned to each area. (SRCJ – 375)
  - b) The post orders are the responsibility of the shift OIC to keep updated.
  - c) There will be written justification for all deviations from the post orders.
  - d) Shift Supervisors are responsible for notifying Detention Administration if staffing levels are not adequate via an email.
  - e) Shift Supervisors have the authority to notify off duty staff to report to the facility for shift coverage.
4. Every quarter, and in collaboration with the PREA Coordinator, the agency will assess, determine and document whether adjustments are needed to: [§115.13(c)-1]
  - a) The staffing plan
  - b) The facility's deployment of video or other monitoring technology
  - b) The allocation of agency/facility resources to commit to the staffing plan to ensure compliance
5. The PREA Coordinator conducts a monthly inspection of all areas to maintain compliance with the PREA Standards. This information is documented on the PREA Coordinator Inspection Checklist.
6. Supervisors will conduct unannounced supervisor rounds of the Jail daily to identify and deter staff sexual abuse and sexual harassment. [§115.13 (d)-1]

- a) Each unannounced round is documented as a computer entry in the jail log. The entry will be logged as “PREA SUPERVISOR”. All supervisor rounds will be recorded utilizing this code. [§115.13 (d)-2]
- b) The unannounced supervisor rounds are to be conducted on both day and night shifts and will cover all areas of the facility. [§115.13 (d)-3]
- c) Staff is prohibited from alerting other staff members when the Supervisor is conducting these unannounced rounds. [§115.13 (d)-4]

**D. § 115.14 Youthful inmates**

- 1. Youthful inmates will not be placed in any housing unit within sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. [§115.14 (a)-1]
- 2. The Santa Rosa County Sheriff’s Office Detention Division has housing units to which youthful inmates are assigned that provide sight and sound separation between youthful and adult offenders in dayrooms, common areas, showers, and sleeping quarters. [§115.14 (a)-2]
- 3. The Santa Rosa County Sheriff’s Office Detention Division maintains sight, sound, and physical separation between youthful inmates and adult inmates in areas outside housing units. [§115.14 (b)-1]
- 4. The Santa Rosa County Sheriff’s Office Detention Division always provides direct staff supervision in areas outside housing units where youthful inmates have sight, sound or physical contact with adult inmates. [§115.14 (b)-2]
- 5. The facility documents the exigent circumstances for each instance in which youthful inmates’ access to large-muscle exercise, legally required education services, and other programs and work opportunities was denied. [§115.14 (c)-1]

**E. § 115.15 Limits to cross-gender viewing and searches**

- 1. Santa Rosa County Sheriff’s Office Detention Division employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by a medical practitioner. [§115.15 (a)-1]
- 2. The facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. [§115.15 (b)-1]
- 3. The facility will not restrict female inmates’ access to regularly available programs or other out of cell opportunities based on the inability to perform cross-gender pat-down searches. [§115.15 (b)-2]
- 4. All cross-gender strip searches and cross-gender visual body cavity searches shall be documented. [§115.15 (c)-1]
- 5. All cross-gender pat-down searches of female inmates shall be documented. [§115.15 (c)-2]
- 6. Inmates 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 (this includes viewing via video camera). [§115.15 (d)-1]
- 7. Staff will announce “Male on the Floor” or “Female on the Floor” each time an Officer of the opposite gender enters an inmate’s housing unit; to inform inmates that an officer of the opposite gender will be

on the floor. This announcement will be documented in the jail log; utilizing log code KAE (KNOCK-ANNOUNCE-ENTER) providing documentation for standard compliance. [§115.15 (d)-2]

8. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. [§115.15 (e)-1]
  - a) If the inmate's genital status is unknown, it may be determined through conversation with the inmate.
  - b) The inmate will be asked whether they consider themselves male or female.
  - c) The inmate will be asked which gender of staff they would feel more comfortable with performing the pat/strip search.
  - d) The inmate will be required to sign the "Statement of Search Preference Form" ([SRCJ 13-063](#)) prior to being pat/strip searched.
  - e) The gender of staff stated, as the preference by the inmate, will perform the pat/strip search with a second staff member and/or supervisor present.
  - f) The original form will be placed in the inmate's file and a copy will be put in Classification's box in ACR
  - g) An incident report will be completed, fully documenting the incident
  - h) Classification will scan and attach a copy of the Search Preference form into the inmate's JailBook record.
  - i) All transgender or intersex inmates will be housed in Medical or ACR alone until evaluated by Medical, Mental Health, Classification and the PREA Committee to determine the appropriate housing to ensure their safety and the security of the facility.

**F. § 115.16 Inmate with disabilities and inmates who are limited English proficient**

1. The following procedures have been established to provide disabled inmates 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. All inmate education materials will be in formats accessible to all inmates in accordance with Title II of the Americans with Disabilities Act, 28 CFR 35.164. Formats include, but not limited to: [§115.16 (a)-1] [§115.16 (b)-1]
  - a) Interpreter services for the deaf or hard of hearing inmates.
  - b) Interpreter services for Non-English speaking inmates.
  - c) Reading of the material, by staff, to inmates.
2. The agency will not rely on inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances, and must be fully documented, where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations. [§115.16 (c)-1] [§115.16 (c)-2]

**G. § 115.17 Hiring and Promotion decisions**

1. Santa Rosa County Sheriff's Office agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: [§115.17 (a)-1]

- a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C 1997).
  - b) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, open or implied threats of force, or coercions, or if the victim did not consent or was unable to consent or refuse.
  - c) Has been civilly or administratively adjudicated to have engaged in the activity described in any paragraph in this section.
2. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with inmates. [§115.17 (b)-1]
  3. Before this agency hires any new employees who may have contact with inmates, it: [§115.17 (c)-1]
    - a) Conducts criminal background record checks.
    - b) Consistent with federal, state, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  4. This agency requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates. [§115.17 (d)-1]
  5. Criminal background records checks will be conducted by the Human Resources Department on all current employees, volunteers, and contractors, who may have contact with inmates at least every five (5) years. [§115.17 (e)-1]
  6. The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as a part of reviews of current employees. The agency shall impose upon employees a continuing affirmative duty to disclose any such misconduct. [§115.17 (f)-1]
  7. Employees must disclose any such misconduct. Any material omission(s) regarding such misconduct, or the provision of materially false information, shall be grounds for termination. [§115.17 (g)-1]
  8. Any information requested of a current or previous employee by a prospective employer will be supplied by Human Resources. [§115.17 (h)]
  9. Unless prohibited by law, the agency shall 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. [§115.17 (h)]

#### **H. § 115.18 Upgrades to facilities and technology**

1. The SRSO will consider the effect of the design, acquisition, expansion or modification in reference to the Jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the facility. [§115.18 (a)-1]
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. [§115.18 (b)-1]
3. The Key Master Key control system located in Central Control allows for accountability of all facility keys.

## II. RESPONSIVE PLANNING

### A. § 115.21 Evidence protocol and forensic medical examinations

1. The Santa Rosa County Sheriff's Office is responsible for conducting administrative or criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct.) [§115.21 (a)-1]
2. When conducting a sexual abuse investigation, the agency investigators follow a uniform evidence protocol. [§115.21 (a)-3]
3. The SRSO Investigative Unit's evidence protocol will be based on the most recent edition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents", or similarly comprehensive and authoritative protocols developed after 2011. [§115.21 (b)-1]
4. All victims of sexual abuse will be offered access to forensic medical examinations. Such examinations will be offered without financial cost to the victim. Forensic Examinations will be conducted at a local hospital. [§115.21 (c)-1] [§115.21 (c)-2]
5. Examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) [§115.21 (c)-3]
  - a) When SANEs or SAFEs are not available, a qualified medical practitioner performs forensic medical examinations. [§115.21 (c)-4]
  - b) The facility will document efforts to provide SANEs or SAFEs. [§115.21 (c)-5]
6. The facility attempts to make available to the victim a victim advocate from a rape crisis center, in person or by other means. All of these efforts are fully documented.  
**(Lakeview Center, Inc. Hotline: 850-433-7273)** [§115.21 (d)-1] [§115.21 (d)-2]
7. If and when a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff member from a community-based organization or a qualified agency staff member. [§115.21 (d)-3]
8. If requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. [§115.21 (e)-1]

### B. § 115.22 Policies to ensure referrals of allegations for investigations

1. The Santa Rosa County Sheriff's Office ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse or staff sexual misconduct). [§115.22 (a)-1]
2. Allegations of sexual abuse or sexual harassment must be referred for investigation to an agency with the legal authority to conduct criminal investigations, including the agency if it conducts its own investigations, unless the allegation does not involve potentially criminal behavior. [§115.22 (b)-1]
3. This policy and any other regarding the referral of allegations of sexual abuse or sexual harassment for a criminal investigation is published on the agency website or made publicly available via other means. [§115.22 (b)-2]
4. All referrals of allegations of sexual abuse or sexual harassment for criminal investigations must be

documented. [§115.22 (b)-3]

### **III. TRAINING AND EDUCATION**

#### **A. § 115.31 Employee Training**

1. The agency trains all employees who have contact with inmates on the following matters: [§115.31 (a)-1]
  - a) Agency's 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) The right of inmates 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.
  - j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
2. Training is tailored to the gender of the inmates in the facility. [§115.31 (b)-1]
  - a) Pat Search – Strip Search/ Transgender – Intersex inmates:
    - i. A certified member of the same sex and in compliance with Florida State Statute 901021 and 901.211 searches inmates upon admission. (FCAC 9.03, 9.04) (FMJS 4.03) The Statement of Search Preference Form (SRCJ 13-063) will be completed by the transgender/intersex inmate, choosing to have a male, female or both conduct the search.
    - ii. The officer performing the pat search should be of the same sex as identified by the transgender/intersex inmate on the Statement of Search Preference Form (SRCJ-13-063). The inmate can choose to have a male or female officer pat search different areas based on the anatomy of the inmate.
    - iii. When a strip search is required for a transgender/intersex inmate, the search will be conducted by an officer and overseen by a supervisor or witnessing officer per the Statement of Preference Form (SRCJ 13-063) as signed by the inmate. The officer, supervisor or witnessing officer will be of the same sex that is listed on the Statement of Preference Form (SRCJ 13-063) as signed by the inmate.
    - iv. Strip searches will never be performed as a punitive measure – ZERO TOLERANCE.
    - v. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

- vi. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel requiring approval of Detention Administration.
  - vii. The officers and Health Services provider must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical examination. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the review team communicates and attempts to receive confirmation. The metal detector will be utilized to scan the inmate prior to placement in a holding cell.
- b) The Review Team will consist of the following or designees:
    - i. Medical Health Services Administrator or Mental Health Counselor
    - ii. Detention Major
    - iii. Operations Security Lieutenant
    - iv. PREA Coordinator/Manager
  - c) The intake officer is responsible for notifying the medical staff that a transgender/intersex inmate has been identified at intake.
  - d) Security staff will conduct these searches in a professional and respectful manner. The searches will be conducted in the least intrusive manner possible consistent with security needs, and only if a search needs to occur based exigent circumstances. All transgender/intersex searches will be documented in an incident report.
  - e) The security of the facility, staff and inmate's safety must be maintained at all times.
3. Employees receive quarterly training in addition to annual training on their responsibilities under the agency's Prison Rape Elimination Act (PREA) policy. [FCAC 9.09 M]
  4. Between training sessions, employees are provided with information about current policies regarding sexual abuse and harassment. [§115.31 (c)-3]
  5. Employees and Contractors are issued quick reference PREA Pocket Guides, mandatory to retain on their person, which outline their responsibilities as first responders and how to secure a crime scene.
  6. All towers are equipped with PREA Standards Guide Books, which outline the PREA Standards, for Officers/employees to reference, (PREA Guide Books are secured in the key box in each tower and ACR and in the cabinet behind the Officers desk in Medical)
  7. PREA Standards Guide Books are maintained in all agency transport vehicles for Officers to reference.
  8. PREA First Responder Posters are posted throughout the facility. (Pod towers, Detention Muster, Shift Supervisor's Office, Food Service Office, Medical, Medical Officers Desk, Transportation, Video Courtroom, ACR Supervisor's Office, Classrooms and Maintenance)
  9. The agency documents that employees understand the training they have received through employee signature or electronic verification. [§115.31 (d)-1]

**B. § 115.32 Volunteer and contractor training**

1. All volunteers and contractors, who have contact with inmates, will be trained on their responsibilities

under the agency's Prison Rape Elimination Act (PREA) policy. The type and level of training is based on the services they provide and level of contact they have with inmates. [§115.32 (a)-1] [§115.32 (b)-1]

2. All volunteers and contractors who have contact with inmates have, at the very least, been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. [§115.32 (b)-2]
3. Documentation confirming that the volunteers/contractors understand the training they receive is kept on file with the agency. [§115.32 (c)-1]
4. In addition to the initial training contractors receive, they also receive quarterly training on their PREA responsibilities under the agency's Prison Rape Elimination Act (PREA) policy.

**C. § 115.33 Inmate Education** [FCAC 30.03 M]

1. All inmates, during intake, will receive orientation explaining the facility zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. ([SRCJ 13-034](#)) [§115.33 (a)-1] [FCAC 9.09 M A]
  - a) A sexual assault awareness pamphlet is provided to each inmate in the inmate's property bag during dress out with information on self-protection and prevention techniques, treatment and counseling, and reporting methods. [FCAC 9.09 M A]
  - b) Posters containing sexual assault awareness and reporting information are posted in the intake vestibule, the fingerprint room and ACR for inmates who make bond prior to being moved to population.
  - c) An informational video which contains PREA educational information plays twice a day on the housing unit televisions. (10:00 & 22:00)
2. Inmate PREA education is available in accessible formats for all inmates including those who are: [§115.33 (d)-1]
  - a) Limited English proficient.
  - b) Deaf.
  - c) Visually impaired.
  - d) Otherwise disabled.
  - e) Limited in their reading skills.
3. Inmates will be required to sign documentation of inmate participation in PREA education sessions. [§115.33 (e)-1] ([SRCJ 13-034](#)) ([SRCJ 13-040](#))
4. The agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, informational video, inmate handbooks, or other written formats. [§115.33 (f)-1]

**D. § 115.34 Specialized training: Investigations**

1. Investigators who investigate allegations of sexual abuse are trained in conducting sexual abuse investigations in confinement settings. [§115.34 (a)-1]

2. The specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in a confinement setting, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. [§115.34 (b)-1]
3. The agency maintains documentation showing that investigators have completed the required training. [§115.34 (c)-1]

**E. § 115.35 Specialized training: Medical and Mental Health care**

1. Agency medical staff does not conduct forensic exams. Forensic exams will be conducted at a local hospital. [§115.35 (b)-1]
2. All security and Medical Staff will be trained on the proper procedures for securing a crime scene and preserving evidence in exigent circumstances to include: [115.35 (a)]
  - a) Crime scene security.
  - b) Crime scene log.
  - c) Evidence handling.
  - d) Evidence packaging.
  - e) Chain of custody.
3. The agency shall ensure all full-and part-time medical and mental health care practitioners who work regularly at the agency receive the training mandated for contractors and volunteers under §115.32, depending on the practitioner's status at the agency. The agency will maintain documentation the training was received. [§115.35 (a)] [§115.35 (c)-1] [§115.35 (d)-1]

**IV. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

**A. § 115.41 Screening for risk of victimization and abusiveness**

1. All inmates will be screened during intake using an objective screening instrument for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. [§115.41 (a)-1] ([SRCJ 13-034](#))
2. The intake screening will take place within 72 hours of arrival at the facility and with a reassess of the inmate, by Classification no later than 30 days from the inmate's arrival based upon any additional, relevant information received by the facility since the intake screening. [§115.41 (b)-1] [§115.41 (f)-1]
3. The intake screening will consider at the minimum the following: [§115.41(c)-1] [§115.41(d)] [§115.41 (e)]
  - a) Whether the inmate has a mental, physical, or developmental disability.
  - b) Age of the inmate.
  - c) Physical build of the inmate.
  - d) If the inmate has previously been incarcerated.
  - e) If the inmate's criminal history is exclusively nonviolent.

- f) If the inmate has prior convictions for sex offenses against an adult or child.
  - g) If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
  - h) If the inmate has previously experienced sexual victimization.
  - i) The Inmate's own perception of vulnerability.
  - j) If the inmate is detained solely for civil immigration.
  - k) If the inmate has any prior acts of sexual abuse.
  - l) If the inmate has prior convictions for violent offenses.
  - m) If the inmate has a history of prior institutional violence or sexual abuse, as known to the agency.
4. Based on the answers provided and the inmate's own perceptions of vulnerability: a determination for the inmates' housing is made during intake. If the inmate feels comfortable in general population, the inmate will be placed in a pre-classification housing unit, if applicable. If the inmate feels uncomfortable being placed in general population, the inmate will be housed on Administrative Confinement until seen and evaluated by the PREA Coordinator and/or Classification; unless required by a medical practitioner to be housed in the Medical Unit.
  5. An inmate's risk level shall be reassessed at any time and when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. [§115.41 (g)-1]
  6. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during the risk screening relating to the following questions: [§115.41 (h)-1]
    - a) Whether the inmate has a mental, physical, or developmental disability.
    - b) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
    - c) Whether the inmate has previously experienced sexual victimization
    - d) The inmate's own perception of vulnerability.
  7. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to inmate screening, in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.[§115.42 (i)]

**B. § 115.42 Use of screening information**

1. Information from the risk screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with the high risk of being sexually victimized from those at the risk of being sexually abusive. [§115.42 (a)-1]
2. The agency makes individualized determinations about how to ensure the safety of each inmate. [§115.42 (b)-1]
3. The agency makes housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis to ensure the inmates' health and safety; and whether the placement would

present management or security problems. [§115.42 (c)-1]

4. Placement and programming assignments for transgender or intersex inmates shall be reassessed at least twice each year to review any threats to the inmates' safety. [§115.42 (d)]
5. A transgender or intersex inmates' own views with respect to his or her own safety shall be given serious consideration. [§115.42 (e)]
6. Transgender or intersex inmates shall be given the opportunity to shower separately from other inmates. [§115.42 (f)]
7. The PREA Coordinator or designee will assess all transgender or intersex inmates for housing to include: (SRSO 14-003) SRCJ 13-063
  - a) Does the inmate feel comfortable being housed in general population?
  - b) What gender of inmates does the inmate feel comfortable being housed with?
  - c) Does the inmate feel comfortable showering around other inmates?
  - d) Does the inmate prefer to shower away from other inmates?
  - e) Transgender or intersex inmates who prefer to shower separately will be taken to Medical and allowed to shower in the Medical hallway shower.
  - f) Transgender or intersex inmates in general population can submit a request to the Shift OIC via the inmate kiosk to request a change in housing or showering status.
  - g) Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit or wing established in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such inmates.[§115.42 (g)]

### **C. § 115.43 Protective Custody**

1. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. [§115.43 (a)-1] ([SRCJ 070](#))
2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: [§115.43 (b)-1]
  - a. The opportunities that have been limited.
  - b. The duration of the limitation.
  - c. The reasons for such limitations.
3. If an involuntary segregated housing assignment is made, the facility shall clearly document: [§115.43(d)]
  - a. The basis for the facility's concern for the inmates' safety.
  - b. The reason why no alternative means of separation can be arranged.

4. An incident report will be completed on all inmates placed in involuntary segregated housing.
  - a. Classification and the PREA Coordinator will review all incident reports and determine if the need for continued segregated housing is required.
  - b. If the inmate is to remain in involuntary segregated housing, Classification will complete an incident report documenting the reason the inmate will remain in segregated housing, any limitations to programs, education and work opportunities, the duration of the limitations and why the limitations are placed based on the safety of the inmate and security of the facility. [§115.43 (b)]
  - c. Classification will also document this information in the inmates file.
5. Inmates in involuntary segregated housing will be reviewed at least every 30 days by Classification and the PREA Coordinator to determine whether there is a continuing need for separation from the general population.[§115.43 (e)-1] ([SRCJ 13-049](#))
  - a. Classification conducts a weekly walkthrough of all confinement dorms and interviews all inmates, housed in voluntary and involuntary segregation. Information received from the inmate interviews is used to determine if there is a continued need to remain in segregated housing.

## V. REPORTING

### A. § 115.51 Inmate reporting

1. The Santa Rosa County Sheriff's Office Detention Division allows for internal reporting, by inmates, to report privately to agency officials about: [§115.51 (a)-1]
  - a) Sexual abuse or sexual harassment.
  - b) Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and
  - c) Staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The multiple internal reporting methods inmates can utilize are:
  - a) Verbal Reporting.
  - b) Inmate kiosk.
  - c) Request Forms.
  - d) Grievance Forms.
  - e) Lakeview Rape Crisis Hotline- 850-433-7273 (toll free, non-recorded line) or write to the rape crisis center at: Victim Services, Bldg.1221 W. Lakeview Ave. Pensacola, Fl. 32501
  - f) National Sexual Abuse Hotline- 1-800-656-4673 (toll free, non-recorded line)
5. The agency provides ways for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency by: [§115.51 (b)-1]
  - a) National Sexual Abuse Hotline- 1-800-656-4673 (toll free, non-recorded line)
  - b) Memorandum of Understanding (MOU) – Lakeview

6. Inmates detained solely for civil immigration purposes must be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. [§115.51 (b)-2]
7. Staff must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. [§115.51 (c)-1]
8. Staff is required to immediately document verbal reports. [§115.51 (c)-2]
9. Santa Rosa county Sheriff's Office Detention Division Staff can privately report sexual abuse and sexual harassment of inmates to their Supervisor or any other facility Supervisor. [§115.51 (d)-1]
10. Staff is informed of these procedures in the following ways: [§115.51 (d)-2]
  - a) Classroom training.
  - b) Muster briefings.
  - c) Training bulletins.
  - d) Power DMS training.
  - e) Policies.

**B. § 115.52 Exhaustion of administrative remedies**

1. The agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse. [§115.52 (a)-1]
2. Agency policy allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. [§115.52 (b)-1]
3. Inmates are not required to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse. [§115.52 (b)-2]
4. Inmates may submit a grievance alleging sexual abuse without submitting said grievance to the staff member who is the subject of the complaint. [§115.52 (c)-1]
5. Any inmate grievance alleging sexual abuse shall not be referred to the staff member who is the subject of the complaint. [§115.52 (c)-2]
6. The Santa Rosa County Sheriff's Office Detention Division Administration will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. [§115.52 (d)-1]
7. The Detention Division Administration may claim an extension of time to respond up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. [§115.52 (d)-5]
8. If an extension is needed, the inmate will be notified in writing. The notification will also include a date by which a decision will be made. [§115.52 (d)-6]
9. Agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. [§115.52 (e)-1]

10. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline. [§115.52 (e)-2]
11. The agency has a policy and an established procedure for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. [§115.52 (f)-1] (Follow procedures outlined in Staff and agency reporting duties)
12. Emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. [§115.52 (f)-2]
14. Emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five (5) days. [§115.52 (f)-5]
15. After an agency decision is made, a copy of the emergency grievance and all responses shall be forwarded to the PREA Coordinator.
16. The agency shall only discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith. [§115.52 (g)-1]

**C. § 115.53 Inmate access to outside confidential support services**

1. Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse by: [§115.53 (a)-1]
  - a) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available, for local, state, or national victim advocacy or rape crisis organizations.
  - b) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
  - c) Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.
2. The facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. [§115.53 (b)-1]
3. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law. [§115.53 (b)-2] [FCAC 9.09 M B]
4. The agency shall maintain or attempt to enter into memoranda of understanding (MOU) or other agreements with community service providers. [§115.53 (c)-1] [§115.53 (c)-3]
5. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements. [§115.53 (c)-2] [§115.53 (c)-4]

**D. § 115.54 Third-party reporting**

1. The agency provides a method to receive third-party reports of inmate sexual abuse or sexual harassment by posting reporting information and contact numbers on the agency's website. [§115.54 (a)-1]
2. The agency publicly distributes information, on the agency website, on how to report inmate sexual abuse or sexual harassment on behalf of inmates. [§115.54 (a)-2]

3. The agency posts contact numbers and reporting information in the lobby for public viewing.

## **VI. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**

### **A. § 115.61 Staff and agency reporting duties**

1. All staff are required to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, even if that facility is not Santa Rosa County Sheriff's Office Detention Division. [§115.61 (a)-1]
2. All staff are required to immediately report any retaliation against inmates or staff who report such incidents. [§115.61 (a)-2]
3. All staff are required to immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. [§115.61 (a)-3]
4. Apart from reporting to the designated supervisors or officials and designated state or local services agencies, staff is prohibited from revealing 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 decision. [§115.61 (b)-1]
5. Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse to the appropriate officials and to inform inmates of their duty to report; and the limitations of confidentiality at the initiation of services. [§115.61(c)]
6. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. [§115.61 (d)]
7. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. [§115.61(e)]

### **B. § 115.62 Agency protection duties**

1. When the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate (i.e. it takes some action to assess appropriate protective measures without unreasonable delay.) [§115.62 (a)-1]

### **C. § 115.63 Reporting to other confinement facilities**

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred. [§115.63 (a)-1] (SRCJ [13-046](#))
2. The facility head will provide such notification as soon as possible, but no later than 72 hours after receiving the allegation. [§115.63 (b)-1]
3. The Santa Rosa County Sheriff's Office Detention Division will fully document that it provided such notification within 72 hours of receiving the allegation. [§115.63 (c)-1]
4. The Santa Rosa County Sheriff's Office Detention Division is required to fully investigate allegations received from other facilities/agencies. [§115.63 (d)-2]

### **D. § 115.64 Staff first responder duties**

1. First responder procedures for allegations of sexual abuse: [§115.64 (a)-1]

- a) Separate the alleged victim and abuser.
  - b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
    - The first Officer on the scene has the responsibility to secure, preserve, and control access to and from the crime scene.
    - The crime scene should be secure in such a way that no one other than law enforcement personnel has access to the scene. It is always an advantage to rope off to much than not enough because you can always reduce the scene but it is hard to expand it once the scene has been contaminated.
    - Secure cell or dorm door
    - Rope off crime scene area with crime scene tape (rope off larger area than actual crime scene)
    - Initiate and maintain crime scene sign in log
    - Control of the crime scene shall be the responsibility of the first officer on scene until relieved. Anyone other than the Crime Scene Technician (CST) and the Investigator shall remain outside the crime scene regardless of rank unless requested by the CST or the Investigator. A crime scene log must be maintained by the controlling Officer. Allow as few people as necessary to enter the scene.
    - Limit access to crime scene to CST and Investigator
  - c) PREA response kits are located in the shift supervisor's office and the ACR supervisor's office in ACR. Each kit contains:
    - Crime scene tape.
    - Gloves.
    - Shoe protectors.
    - Binder with crime scene sign in log sheets.
  - d) If the PREA response kit is utilized and the security strap is cut, an Incident Report will be completed to include the 7 digit number printed on the strap and the location the response kit was removed from.
  - e) If the abuse occurred within a time period that still allows for the collection of physical evidence, staff will request that the alleged victim will be requested not to take any action that could destroy physical evidence; including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
  - f) If the abuse occurred within a time period that still allows for the collection of physical evidence, staff will ensure that the alleged abuser not take any action that could destroy physical evidence; including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
2. If the first staff responder is not a security staff member, that responder shall be required to: [§115.64 (b)-1]
- a) Request that the alleged victim not take any actions that could destroy evidence.
  - b) Immediately notify security staff.

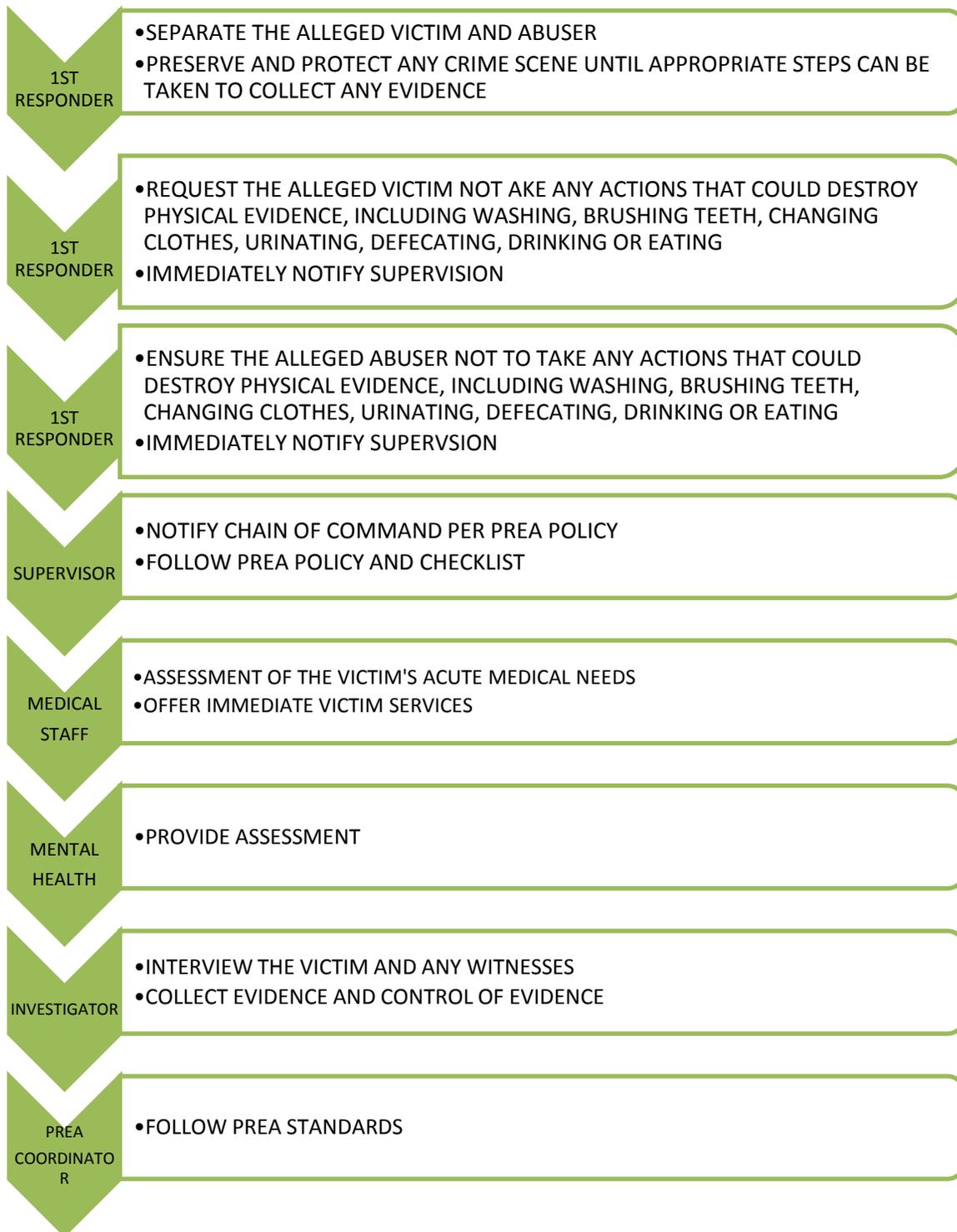
3. Shift OIC response:

- a) Ensure alleged inmate victim and alleged inmate aggressor are separated; if housed together
- b) Ensure alleged inmate victim is evaluated by Medical. If requested by the victim, attempt to make available to the victim a victim advocate from a rape crisis center, in person or by other means. (All of these efforts are fully documented.) (**Lakeview Center, Inc. Hotline: 850-433-7273**) [FCAC 30.03 MJ]
- c) Ensure alleged inmate aggressor is seen and evaluated by Medical.
- d) Prepare a complete PREA Packet to include:
  - i. PREA Sexual Assault Checklist (if actual rape occurred). ([SRCJ 13-037](#)) ([12-013](#))
  - ii. Critical Event Report: ([SRCJ 12-016](#))
  - iii. Chronological event log.
  - iv. Synopsis of event.
  - v. Action taken by OIC.
  - vi. Supporting documentation to include:
    - a. Incident report.
    - b. Pictures (attached to incident report),(if applicable).
    - c. Memorandum, (if applicable).
    - d. Email, (if applicable).
    - e. Booking face sheet.
    - f. Medical reports (documentation that inmate was checked by Medical).
    - g. Witness Statement(s).
    - h. Declination of Intent(s).
    - i. Kiosk requests, (if applicable).
    - j. Handwritten notes, (if applicable).
    - k. Any other relevant documents, photographs, notes, etc.
- e) Notify the Detention Major, PREA Coordinator, Operations Security Lieutenant, Facility Inspector, Major Crimes/Dispatch, and Medical.
- f) The PREA packet will be forwarded to the PREA Coordinator or their designee. The PREA Coordinator will review the documentation for accuracy and request any additional documentation needed. A complete copy of the PREA packet, to include the PREA Coordinator Sexual Assault Checklist ([SRCJ 13-047](#)), will then be forwarded to the Detention Major to review and make the determination to forward to Major Crimes for investigation.
- g) In the event that an actual rape occurs, a copy of the PREA packet will be provided to Major Crime personnel on scene to investigate.
- h) All procedures in regards to the Sexual Assault complaint will be completed by the shift OIC receiving the complaint before that shift OIC goes off duty. The shift receiving the complaint will not pass on, to the next shift, any portion of the procedure to complete.

**E. § 115.65 Coordinated response**

1. The facility has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. [§115.65 (a)-1] *See response plan below*

SANTA ROSA COUNTY SHERIFF'S OFFICE  
 DETENTION DIVISION  
 COORDINATED RESPONSE TO A SEXUAL ASSAULT INCIDENT  
 §115.65 (A)



**F. § 115.66 Preservation of ability to protect inmates from contact with abusers**

1. The agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2013, or since the last PREA audit, whichever is later. [§115.66 (a)-1]

**G. § 115.67 Agency protection against retaliation**

1. The agency protects all inmates and staff who report sexual abuse or sexual harassment or those who cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The agency's PREA Coordinator is designated to monitor for possible retaliation. [§115.67(a)]
2. The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. [§115.67 (b)]
3. For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who report sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmate or staff, and acts promptly to remedy any such retaliation. The agency shall monitor to include; any inmate disciplinary reports, housing or program changes or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. [§115.67 (c)]
4. In the case of inmates, such monitoring shall also include periodic status checks. [§115.67 (d)]
5. 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. [§115.67(e)]
6. The agency's obligation to monitor shall terminate if the agency determined that the allegation is unfounded. [§115.67 (f)]

**H. § 115.68 Post-allegation protective custody**

1. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the requirements of § 115.43. [§115.68 (a)]

**VII. INVESTIGATIONS**

**A. § 115.71 Criminal and administrative agency investigations**

1. All investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively, including third-party and anonymous reports. [§115.71 (a)-1]
2. The Santa Rosa County Sheriff's Office Detention Division shall use investigators who have received special training pursuant to § 115.34. [§115.71 (b)-1]
3. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. [§115.71 (c)-1]
4. 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. [§115.71 (e)-1]
5. The credibility of an alleged victim, suspect or witness shall not be determined by the person's status as inmate or staff. The agency shall not require an inmate who alleges sexual abuse to submit to a

polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. [§115.71 (e)]

6. Administrative investigations: [§115.71 (f)-1]

- a) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse;
- b) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

7. 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. [§115.71 (g)]

8. All substantial allegations of conduct that appear to be criminal will be referred for prosecution. [§115.71 (h)-1]

9. The agency retains all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. [§115.71 (i)-1]

10. The departure of the alleged abuser or victim from the employment or control of the facility or agency control shall not provide a basis from terminating an investigation. [§115.71 (j)-1]

**B. § 115.72 Evidentiary standards for administrative investigations**

- 1. The agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. [§115.72 (a)-1]

**C. § 115.73 Reporting to inmates**

- 1. The agency requires that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. [§115.73 (a)-1] ([SRCJ 13-041](#))

- 2. If there has been a substantiated or unsubstantiated complaint (i.e. not unfounded) of sexual abuse committed by a staff member against an inmate, the agency must subsequently inform the inmate whenever: [§115.73 (c)-1] [§115.73 (c)-2]

- a) The staff member was no longer posted within the inmate's unit.
- b) The staff member was no longer employed at the facility.
- c) The agency learned that the staff member was indicted on a charge related to sexual abuse within the facility.
- d) The agency learned that the staff member was convicted on a charge related to sexual abuse within the facility.

- 3. Following an inmate's allegation that he or she has been sexually abused by another inmate in an agency facility, the agency subsequently informs the alleged victim whenever: [§115.73 (d)-1]

- a) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.

- b) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All notifications to inmates described under this standard must be documented. [§115.73 (e)-1]

## **VIII. DISCIPLINE**

### **A. § 115.76 Disciplinary sanctions for staff**

1. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. [§115.76 (a)-1]
2. Termination is the likely disciplinary sanction for staff who engaged in sexual abuse. [§115.76 (b)-1]
3. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. [§115.76 (c)-1]
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. [§115.76 (d)-1]

### **B. § 115.77 Corrective action for contractors and volunteers**

1. The agency requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. [§115.77 (a)-1]
2. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates. [§115.77 (a)-2]
3. The facility will take remedial measures and prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. [§115.77 (b)-1]

### **C. § 115.78 Disciplinary sanctions for inmates**

1. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse. [§115.78 (a)-1]
2. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. [§115.78 (a)-2]
3. Sanctions are proportionate with the nature and circumstance of the abuses committed, the inmate's disciplinary history, and the sanctions imposed for the comparable offenses by other inmates with similar histories. [§115.78 (b)-1]
4. The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any should be imposed. [§115.78 (c)-1]
5. The facility does not offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse. [§115.78 (d)-1]

6. The agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. [§115.78 (e)-1]
7. The agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. [§115.78 (f)-1]
8. The Santa Rosa County Sheriff's Office Detention Division prohibits all sexual activity between inmates. [§115.78 (g)-1]
9. Although all sexual activity is prohibited between inmates, the agency will only deem such activity to constitute sexual abuse if it determines that the activity is coerced. [§115.78 (g)-2]

## **IX. MEDICAL AND MENTAL HEALTH CARE**

### **A. § 115.81 Medical and mental health screening; history of sexual abuse**

1. All inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to § 115.41 are offered a follow-up meeting within 14 days with a medical or mental health practitioner. [§115.81 (a)-1] [§115.81 (b)-1] [§115.81 (c)-2]
2. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting compliance with the above standard. [§115.81 (a)/(c)-4]
  - a) A PREA log is maintained by Medical/Mental Health staff to document that all inmates are offered a 14 day follow up with Mental Health.
3. Information related to sexual victimization or abusiveness that occurred in an institutional setting is not limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state or local law. [§115.81 (d)-1] [§115.81 (d)-2]

### **B. § 115.82 Access to emergency medical and mental health services**

1. Inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. [115.82 (a)-1]
2. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. [§115.82 (a)-1] [§115.82 (c)-1]
3. Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. [115.82 (d)-1]

### **C. § 115.83 ongoing medical and mental health care for sexual abuse victims and abusers**

1. The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. [§115.83 (a)-1] ([SRCJ 13-038](#))
2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to or placement in, other facilities, or their release from custody. [§115.83 (b)]

3. The facility shall provide such victims with medical and mental health services consistent with the community level of care. [§115.83(c)]
4. Female victims of sexual abuse while incarcerated are offered pregnancy tests. [§115.83 (d)-1]
5. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about and timely access to, all lawful pregnancy-related medical services. [§115.83 (e)-1]
6. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. [§115.83 (f)-1]
7. Treatment services are 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. [§115.83 (g)-1]
8. The facility will maintain that a mental health evaluation is conducted of all inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners. [§115.83 (h)-1]

**D. § 115.86 Sexual abuse incident reviews**

1. The facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including whether the allegation has not been substantiated, unless the allegation has been determined to be unfounded. [§115.86 (a)-1] (SRCJ 13-038)
2. Sexual abuse incident reviews will be conducted within 30 days of concluding the investigation. [§115.86 (b)-1]
3. The sexual abuse incident review team will include upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health staff. [§115.86 (c)-1]
4. The review team shall:
  - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
  - b) 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.
  - c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
  - d) Assess the adequacy of staffing levels in that area during different shifts.
  - e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
  - f) Prepare a report of its findings and any recommendations for improvement and submit such report to the facility head and PREA compliance manager. [§115.86 (d)]
5. The facility will implement the recommendations or will document the reason for not doing so. [§115.86 (e)-1]

**E. § 115.87 Data collection**

1. The agency collects accurate, uniform data for every allegation of sexual abuse using a standardized

- instrument and set of definitions. [§115.87 (a)/(c)-1]
2. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. [§115.87 (a)/(c)-2]
  3. The agency aggregates the incident-based data at least annually. [§115.87 (b)-1]
  4. The agency maintains reviews and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. [§115.87 (d)-1]
  5. Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30. [§115.87 (f)-1]

**F. § 115.88 Data review for corrective action**

1. The agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including: [§115.88 (a)-1]
  - a) Identifying problem areas.
  - b) Taking corrective action on an ongoing basis.
  - c) Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.
2. The annual report will include a comparison of the current year's data and corrective actions with those from prior years. [§115.88 (b)-1]
3. The annual report will provide an assessment of the agency's progress in addressing sexual abuse. [§115.88 (b)-2]
4. The agency will make its annual report readily available to the public at least annually through its website. [115.88 (c)-1]
5. The annual reports are approved by the agency head. [§115.88 (c)-3]
6. When the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. [§115.88 (d)-1]
7. The agency will indicate the nature of the redaction. [§115.88 (d)-2]

**G. § 115.89 Data storage, publication, and destruction**

1. The agency ensures that the incident-based and aggregate data are securely retained. [§115.89 (a)-1]
2. Aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. [§115.89 (b)-1]
3. Before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. [§115.89 (c)-1]
4. The agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. [§115.89 (c)-2]

## DEFINITIONS

*Sexual Predator*- An inmate who has been convicted in a criminal proceeding or an administrative proceeding for an act of sexual assault/abuse.

*Medical Confidentiality*- The ethical principle or legal right that a physician or other health professional will hold secret all information relating to a patient. This does not apply if an inmate reports that they have engaged in consensual sexual activity, sexually abusive contact, sexually abusive penetration, sexual harassment, and/or any incident of staff-on-inmate sexual abuse.

*Need-to-Know*- A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to an offender/inmate's safety or treatment, or to the investigative process.

*Offender*-Any person convicted of a crime or offense under the laws of this state, the United States government, or the laws of another state, who is under the supervision of the Detention Division.

*Perpetrator*- An individual committing any form of sexual abuse.

*False Allegation*- Through the investigative process, evidence proves that an assertion of sexual abuse is not true.

*Zero Tolerance*-This term shall mean that no sexual act, contact or harassment will be tolerated between Facility staff and any inmate, nor between any inmate(s) with another inmate(s). The facility will not recognize "consent" between any of the parties relative to any sexual act, conduct or harassment.

