

VOLUSIA COUNTY DIVISION OF CORRECTIONS POLICY AND PROCEDURE MANUAL	POLICY NO. 305.13 DATE: November 10, 2015
<hr/> SUBJECT: Prison Rape Elimination Act (PREA)	HISTORY: 9/24/14, 4/17/14, 12/12/13 LAST REVIEW: Nov 2015

POLICY

It is the policy of the Volusia County Division of Corrections to establish standards as defined by the Prison Rape Elimination Act of 2003 (PREA). These standards are established for the elimination, reduction, and prevention towards all forms of sexual abuse and sexual harassment in the facility; and to provide a safe, humane, and secure environment for all inmates. The Division has a zero-tolerance standard for any incidence of inmate-on-inmate sexual assault, staff sexual misconduct and sexual harassment towards inmates. Every allegation of sexual assault, misconduct, and harassment shall be thoroughly investigated and the Division will strictly enforce all Federal, State and local laws.

REFERENCE

Prison Rape Elimination Act (PREA) 28 C.F.R. Part 115-115.93; (PREA) P.L. 108-79; F.S., F.M.J.S 2.16.; Division Policies 102.21, 102.24, 305.03, 305.05, 305.09, 305.12.

RESPONSIBILITY

It is the responsibility of all employees, contractors, and volunteers to adhere to these procedures by ensuring that their conduct does not constitute sexual assault nor in any other way violate the provisions of this policy; and to immediately report any known or suspected act or allegation of sexual assault or retaliation through the appropriate chain of command. It is the responsibility of all staff to educate inmates about inmate sexual violence in accordance with this Policy and Procedure. The Corrections Director shall designate an upper-level, agency-wide PREA Coordinator to develop, implement, and oversee the Division's efforts to comply with the PREA standards. A PREA Compliance Manager shall be appointed for each correctional institution to assist the PREA Coordinator.

ABUSE-RELATED DEFINITIONS

1. Sexual Abuse includes:
 - a) Sexual abuse of an inmate by another inmate; and
 - b) Sexual abuse of an inmate by a staff member, contractor, or volunteer.
 - c) Staff sexual misconduct between male staff / female inmates, female staff / male inmates, and same sex relationships (staff/inmates).

2. Sexual abuse by another inmate includes:

Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a) Contact between the penis and the vagina or the penis and the anus, including penetration, however slight;

- b) Contact between the mouth and the penis, vagina, or anus;
 - c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.
3. Sexual abuse by a staff member, contractor, or volunteer includes:
- a) Contact between the penis and the vagina or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vagina, or anus;
 - c) 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;
 - d) 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;
 - e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f) 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;
 - g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - h) Voyeurism by a staff member, contractor, or volunteer.

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

4. Sexual harassment includes:
- a) 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 directed toward another; and
 - b) Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

GENERAL DEFINITIONS

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

Employee means a person who works directly for the agency or facility.

An exigent circumstance means any set of temporary and unforeseen circumstances that requires immediate action in order to combat a threat to the security or institutional order of a facility.

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

Intersex means 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 sex development.

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

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

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

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

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

Victim advocate is an individual, who may or may not be affiliated with the agency, who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure that victim's interests are represented, their wishes respected, and their rights upheld.

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

I. PREVENTION PLANNING

A. Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

1. The Volusia County Division of Corrections has a zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility.
2. This policy will outline how VCDC will implement the agency's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment in this Division.
3. The Corrections Director shall designate an upper-level, agency-wide PREA Coordinator.
 - a) Unless otherwise designated, the Programs Section Supervisor (Program Services Manager) shall serve as the Division's PREA Coordinator and is in the agency's organizational structure.

- b) The PREA Coordinator has sufficient time and authority to develop, implement, and oversee VCDC efforts to comply with the PREA standards in the facilities.
- c) Staff at each institution shall serve as PREA Compliance Managers for their respective facilities. They shall coordinate VCDC efforts to comply with PREA standards in conjunction with the PREA Coordinator.

B. Contracting with Other Entities for the Confinement of Inmates

- 1. Should this Division attempt to and/or enter into an agreement for the confinement of inmates with private agencies or other entities, including other government agencies, the Division will require:
 - a) All of the contractors in any new contract to adopt and comply with the PREA standards.
 - b) All contracts will require the agency to monitor the contractor's compliance with the PREA standards.

C. Supervision and Monitoring

- 1. The Division will develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.
- 2. All staff members will follow the Division's Post Orders and Standard Operating Procedures to provide the proper security and supervision of inmates to protect them from sexual assault.
- 3. In all circumstances where the staffing plan is not complied with, the facility documents and justifies all deviations from the plan.
 - a) The Shift Commander will update their post orders throughout the shift to document staffing assigned to each area.
 - b) The post orders are the responsibility of the Shift Commanders to keep updated.
 - c) Justification for all deviations from the post orders will be documented.
- 4. At least once every year the facility, in collaboration with the PREA Coordinator, will assess, determine, and document whether adjustments are needed in:
 - a) The staffing plan and the adequacy of staffing levels within the facilities;
 - b) The adequacy and deployment of current video monitoring technology; and
 - c) The allocation of the Division's resources to commit to the staffing plan to ensure compliance.
- 5. Supervisors will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

- a) Each unannounced round will be documented in the unit's daily log book as well as a computer entry in JMS. Both entries will be logged as "PREA CHECK".
- b) The unannounced PREA Check rounds are to be conducted on all the shifts and will cover all areas of the facility.
- c) Staff is prohibited from alerting other staff members that the unannounced PREA Check rounds are occurring.

D. Youthful Inmates

1. Youthful inmates will not be placed in any housing unit within sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
2. VCDC has housing units to which youthful inmates are assigned that provide sight and sound separation between youthful and adult inmates in dayrooms, common areas, shower, and sleeping quarters.
3. VCDC maintains sight, sound, and physical separation between youthful inmates and adult inmates in areas outside housing units.
4. The facility shall document the exigent circumstances for each instance in which youthful inmates' access to large-muscle exercise, legally required education services, other programs, and work opportunities was denied.

E. Limits to cross-gender viewing and searches

1. VCDC staff 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 doctor as outlined in Division Policy 400.24, "Strip Searches and Body Cavity Searches".
2. The facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances as identified in Division Policy 400.23, "Pat-Down Searches".
3. All cross-gender strip searches and cross-gender visual body cavity searches shall be documented.
4. All cross-gender pat-down searches of female inmates shall be documented.
5. Inmates will be allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
6. Staff will announce "Male on the Floor" or "Female on the Floor" when an Officer, civilian staff, volunteer or contractor of the opposite gender enters an inmate's housing unit for the first time during their work day; to inform inmates that an Officer or staff member of the opposite gender will be working on the unit.

- a) This announcement will be documented in the unit's daily log book as well as a computer entry in JMS. Both entries will be logged as OGA (Opposite Gender Announcement).
7. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status
 - a) If the inmate's genital status is unknown, it may be determined through conversations with the inmate, or, if necessary, medical. However a medical examination merely to determine the sex classification of an inmate is not permitted.
 - b) VCDC staff will 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 as identified in Division Policy 305.12, "Transgender and Gender-Variant Inmates".

F. Inmates with Disabilities and Inmates who are Limited English Proficient (LEP)

1. Inmates who are limited English proficient (LEP), deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills will be provided with the means to report sexual abuse to staff directly, through interpretive technology, or through non-inmate interpreters. The following procedures have been established to provide disabled inmates equal opportunity to participate in or benefit from all aspects of the Division's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Formats include, but not limited to:
 - a) Interpreter services for the deaf or hearing impaired inmates
 - b) Interpreter services for Non-English speaking inmates
2. The Division will not rely on inmate interpreters, inmate readers or other types of inmate assistance except in limited circumstances, and shall fully document, where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responder duties, or the investigation of the inmate's allegations.
3. Information about PREA and how to report sexual abuse will be provided verbally and/or in writing in the following manner:
 - a) Verbally during the Intake process to ensure inmates with limited reading skills or who are visually impaired understand key issues and points concerning PREA.
 - b) Provided in English and Spanish and Braille is the Inmate Handbook, Sexual Assault Awareness pamphlet, Intake and Receiving brochure, and PREA: What You Need to Know – Intake Education video.

G. Hiring and Promotion Decisions:

1. Division policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the service of any contactor who may have contact with inmates who—
 - a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;

- b) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercions, or if the victim did not consent or was unable to consent or refuse; or
 - c) Has been civilly or administratively adjudicated to have engaged in the activity described in the above-mentioned paragraph, (b).
 2. The Division 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.
 3. Before hiring new employees who may have contact with inmates, the Division shall:
 - a) Conduct a criminal background records check; and
 - b) Consistent with Federal, State, and local law, the Division will make its best effort 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. The Division will ensure criminal background checks are completed before enlisting the services of any contractor who may have contact with inmates.
 - a) The Division will conduct criminal background records checks on all current employees, volunteers, and contractors, who may have contact with inmates at least every five (5) years.
 5. The Division will ensure that during the application oral interview process that all applicants and employees promotional interviews processes are directly questioned about any previous misconduct. Any material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

H. Upgrades to Facilities and Technologies

1. VCDC will consider the effect of the design, acquisition, expansion, or modification in reference to the Jail's ability to protect inmates from sexual abuse when planning any substantial expansion or modification to the existing facilities.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, VCDC shall consider how such technology may enhance the Division's ability to protect inmates from sexual abuse.

II. RESPONSIVE PLANNING

A. Evidence Protocol and Forensic Medical Examinations:

1. 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.

2. Forensic medical exams are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).
3. If requested by the victim, a Victim Advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

B. Policies to ensure referrals of allegations for investigations:

1. The Division will ensure 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).
2. Allegations of sexual abuse or sexual harassment must be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.
 - a) The Division of Corrections shall maintain or attempt to enter into a Memorandum of Understanding (MOU) with the Volusia County Sheriff's Office as the agency with the legal authority to conduct criminal investigations to ensure that allegations of sexual abuse within VCDC facilities confinement settings are investigated by specialized detectives from the VCSO's Sex Crimes Unit.
 - b) Memorandums of Understanding (MOU) shall be developed by the Division's Contract Specialist, in conjunction with the Division's PREA Coordinator.
 - c) MOUs may require County Council approval, depending on the nature of the service.
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.

III. TRAINING AND EDUCATION

A. Employee Training

1. All Division employees will receive the training necessary to fulfill their responsibilities under the Divisions sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures. All PREA training will be included in the Division's B.O.T.P. Program, with refresher training provided on an at least annual basis.
 - a) At a minimum, staff training shall be tailored to the gender of the inmates in the facilities and will include the following:
 - i. VCDC Zero-Tolerance Policy
 - ii. VCDC Pat-down/Strip-search procedures for Transgender / Intersex Inmates.
 - iii. Mandatory Staff reporting / Disciplinary sanctions / Criminal prosecution

2. All employees who may have contact with inmates will receive training on the following topics:
 - a) Inmates' right to be free from sexual abuse and sexual harassment;
 - b) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - c) The dynamics of sexual abuse and sexual harassment in confinement;
 - d) The common reactions of sexual abuse and sexual harassment victims;
 - e) How to avoid inappropriate relationships with inmates;
 - f) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;
 - g) How to detect and respond to signs of threatened and actual sexual abuse; and
 - h) First Responders Role.
3. The Division's Supervisor of Staff Development will ensure that all training in relationship to PREA is documented by staff signature to include the date training received and an acknowledgement the individual understands the training received. Signatures and/or electronic signatures of staff indicating that they understand the training will be maintained for review for the PREA audit.

B. Volunteer and Contract Training:

1. The Division will ensure that all volunteers and contractors who have contact with inmates are trained on their responsibilities in regards to this policy as it relates to the prevention, detection, and response to inmate sexual abuse and sexual harassment allegations. The type and level of training is based on the services they provide and level of contact they have with inmates.
2. All volunteers and contractors who have contact with inmates have, at the very least, been notified of the Division's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report sexual abuse and sexual harassment to security staff and/or other parties, when appropriate.
3. The PREA Coordinator (Program Services Manager) will ensure that all training developed for the training of volunteers and contractors in relationship to PREA require the individual receiving the training to sign documentation stating that they understand the training that they have received. Signatures and/or electronic signatures of individuals indicating that they understand the training will be maintained for review for the PREA audit.

C. Inmate Education:

1. All inmates, during the intake process, will receive information explaining the Division's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

- a) The Sexual Assault Awareness pamphlet, Intake and Receiving brochure, and PREA: What You Need to Know – Intake Education video shall be provided to each inmate during the initial intake process.
 - b) Posters containing sexual assault awareness and reporting information are posted in all holding and housing areas.
2. Within 30 days of intake, the Division will provide comprehensive education to inmates that shall include, but not be limited to:
 - a) An inmate's right to be free from sexual abuse/sexual harassment and free from retaliation for reporting abuse;
 - b) The dynamics of sexual abuse in confinement;
 - c) The common reactions of sexual abuse victims; and
 - d) The Division's sexual abuse response policies and procedures.
 3. The Division will provide periodic refresher training to ensure that all inmates are educated on the Division's most current sexual abuse policies and procedures.
 4. The Division will provide inmate education in formats accessible to all inmates, including those who are limited English proficient (LEP), deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
 5. The Division will ensure that key information is continuously and readily available or visible to inmates through posters, the Inmate Pamphlet, and inmate brochures.
 6. Inmates will be required to sign documentation of inmate participation in PREA education sessions.

D. Specialized Training: Investigations

1. Investigators who investigate allegations of sexual abuse have received training in conducting sexual abuse investigations in confinement settings.
2. The Division maintains documentation showing that investigators have completed the required training.

E. Specialized Training: Medical and Mental Health care

1. All full- and part-time medical and mental health staff assigned to the VCDC facilities will be trained on how to detect and assess signs of sexual abuse with additional training to include:
 - a) How to preserve physical evidence of sexual abuse;
 - b) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

- c) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. VCDC medical staff does not conduct forensic exams. Forensic exams will be conducted by the Rape Crisis Center at a local hospital.
3. The Division's Health Services Administrator will provide the Division with documentation that medical and mental health staff have received the training in this standard either from this Division or elsewhere.
4. VCDC medical and mental health staff shall receive the mandated training for contractors.

IV. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

A. Screen for risk of victimization and abusiveness:

1. All inmates will be screened using an objective screening instrument for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The intake screening shall take place within 72 hours of arrival at the facility, with a reassess of the inmate at the following times:
 - a) Initial Classification
 - b) All subsequent classification reviews
 - c) 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.
2. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
 - a) Whether the inmate has a mental, physical, or developmental disability;
 - b) The age of the inmate;
 - c) Slight build;
 - d) First incarceration in jail;
 - e) If the inmate's criminal history is exclusively nonviolent;
 - f) Conviction 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; and
 - i) Inmate's own perception of vulnerability.

3. The intake screening in assessing inmates for risk of being sexually abusive will contain, at a minimum, the following criteria:
 - a) Documented sexual predator;
 - b) Prior acts of sexual abuse;
 - c) Prior history for violent offenses; and
 - d) History institutional violence or sexual acts.
4. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the following questions:
 - 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; and
 - d) The inmate's own perception of vulnerability.

B. Use of Screening Information:

1. The Division shall use information from the risk screening forms during their initial classification to determine housing, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. The Division makes individualized determinations about how to ensure the safety of each inmate.
3. The Division makes housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis.

C. 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.
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:
 - a) The opportunities that have been limited;
 - b) The duration of the limitation; and
 - c) The reasons for such limitations.

3. Inmates in involuntary segregated housing will be reviewed at least every 30 days by the Special Classification Counselor (SCC), Program Services Manager/PREA Coordinator and Warden to determine whether there is a continuing need for separation from the general population.

V. REPORTING

A. Inmate Reporting

1. The Division will provide multiple internal ways for inmates to report easily, privately, and securely sexual abuse, retaliation by other inmates or staff for reporting sexual abuse, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse. Potential ways for reporting shall include the following:
 - a) Inmate Request Forms (VCDC 204);
 - b) Verbally or in writing to any Supervisor, Case Manager, Medical staff, Chaplain, or any other Division of Corrections' personnel;
 - c) Sick-call systems;
 - d) File a written grievance, per grievance procedure utilizing the emergency grievance system; or
 - e) Sexual Assault Hotline: Volusia Rape Crisis Center – 800-503-7621 (toll free, 24/7)
 - f) Internal Affairs recorded Hotline – Dial -555 (from inmates phones only)
2. VCDC also provides a way for inmates to report abuse or harassment to a public or private entity or office that is not part of the Division by:
 - a) Florida Council Against Sexual Violence Rape Crisis Hotline 888-956-7273 (toll free, non-recorded line) ; and Volusia Rape Crisis Center –sexual assault hotline 800-503-7621
3. Division staff will accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties.
 - a) Staff is required to immediately document verbal reports.
4. VCDC staff can privately report sexual abuse and sexual harassment of inmates to their Supervisor or any other facility Supervisor. Staff are informed of these procedures in the following ways:
 - i. Basic Orientation Training Program (B.O.T.P.)
 - ii. Shift Briefings
 - iii. VCDC Policies

B. Exhaustion of Administrative Remedies:

1. The Division has an administrative procedure for dealing with inmate grievances regarding sexual abuse.
2. Division 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.
3. Inmates are not required to use an informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - a) Any such grievance shall not be referred to the staff member who is the subject of the complaint
5. VCDC 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, or administration
 - a) May claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision.
 - b) 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.
6. VCDC policy and procedure permits third parties, including fellow inmates, staff members, family member, 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.
7. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the Division documents the inmate's decision to decline.
8. The Division 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. (as outlined in Division Policy 300.02, Inmate Grievance)

C. Inmate Access to Outside Confidential Support Services:

1. In addition to providing on-site mental health care services, the Division will provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by:
 - a) Giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations.
 - b) Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

2. The Division 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.
3. The Division shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers.
4. The Division shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

D. Third-Party Reporting:

1. The Division provides a method to receive third-party reports of inmate sexual abuse or sexual harassment.
2. The Division publicly distributes information on how to report inmate sexual abuse or sexual harassment on behalf of inmates.

VI. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

A. Staff and Division Reporting Duties

1. All staff is required to report immediately any knowledge, suspicion, or information they receive regarding an incident sexual abuse or sexual harassment that occurred in a facility, even if that facility is not Volusia County Division of Corrections.
2. All staff is required to immediately report any retaliation against inmates or staff who report such incidents.
3. All staff is required to immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
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.
5. When the victim is under the age of 18 or considered a vulnerable adult under state or local vulnerable person's statute, the on duty Shift Commander will report the allegation(s) to the designated state or local services agency under applicable mandatory reporting laws.

B. Agency Protection Duties

1. When the Division learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

C. Reporting to Other Confinement Facilities

1. When the Division receives an allegation that an inmate was sexually abused while confined at another facility, the Warden will notify in writing the Department Agency Head of the facility where the alleged abuse occurred.
2. The Warden will provide such notification as soon as possible, but no later than 72 hours after receiving the allegation.
3. The Division will fully document that it provided such notification within 72 hours of receiving the allegation.
4. The Division is required to fully investigate allegations received from other facilities/agencies.

D. Staff First Responder Duties

1. If the first responder is not a security staff member, that responder shall be required to:
 - a) Request that the alleged victim not take any actions that could destroy physical evidence;
 - b) Notify security staff.
2. Upon learning of an allegation that an inmate was sexually abused, the first Security staff member responding shall do the following:
 - a) Separate the alleged victim and abuser; (administer first aid, if necessary; and request medical support, if necessary);
 - b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - c) If the abuse occurred within a time period (w/in 120 hrs or 5 days) that still allows for the collection of physical evidence, staff will **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; and
 - d) If the abuse occurred within a time period (w/in 120 hrs or 5 days) that still allows for the collection of physical evidence, staff will **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;
 - e) Immediately notify the on duty Shift Commander;
3. The on duty Shift Commander responding to the scene shall:
 - a) Ensure alleged inmate victim and alleged inmate abuser are separated;
 - b) Ensure alleged inmate victim is evaluated by Medical;

- c) Ensure alleged inmate abuser is seen and evaluated by Medical;
- d) Direct staff as needed to maintain control, taking care not to disturb the crime scene;
- e) Document all staff and inmates in the crime scene area as potential witnesses;
- f) Instruct medical staff responding that it is a potential crime scene and to use care;
- g) Notify VCSO to have a deputy respond;
- h) Prepare a complete PREA Packet to include:
 - i. PREA Sexual Assault Checklist
 - ii. Supporting documentation (VCDC 401, 225, 721, 728, and
- i) Notify the Warden and/or Staff Duty Officer (SDO).

E. Coordinated Response

1. The Division 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 by the on duty Shift Commander until relieved by a VCSO Investigator who will assume control and coordination efforts.

F. Preservation of Ability to Protect Inmates from Contact with Abusers

1. VCDC, nor any other governmental entity responsible for collective bargaining on the Division's behalf has entered into or renewed any collective bargaining agreement or any other agreement that limit's the Division's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

G. Agency Protection Against Retaliation

1. The Division 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 Division will ensure the following measures are employed:
 - a) Housing changes or transfers will be made to separate victims and abusers;
 - b) Removal of alleged staff or inmate abusers from contact with victims;
 - c) Employee assistance services or other resources for staff who may need psychological or emotional support; and
 - d) Available support services for inmates who may need psychological or emotional support.
2. The Incident Review Team (IRT) will monitor the conduct and/or treatment of inmates or staff that have reported sexual abuse or cooperated with investigations, including any disciplinary reports,

housing changes, or program changes, for at least 90 days following their report or cooperation to see if there are changes that may suggest possible retaliation by inmates or staff.

3. Should changes be identified, the IRT will discuss those changes with the appropriate inmate or staff member as part of the IRT's efforts to determine if retaliation is taking place.
4. All supervisors shall be alert to signs and verbal indicators of possible retaliation, and are obligated to make immediate reports of such suspicions or knowledge to the appropriate Warden, Assistant Director, or Director; and
 - a) Should the IRT confirm that retaliation has taken place the IRT will immediately take steps to protect the inmate or staff member.

H. 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 in PREA standard 115.43, Protective Custody.

VII. INVESTIGATIONS

A. Criminal and Administrative Agency Investigations

❖ Criminal Investigations:

1. All investigations into allegations of sexual abuse and sexual harassment from all sources, including third-party and anonymous reports, will be referred for investigation to the following:
 - a) The Division will notify the VCSO to assume responsibility for all criminal investigations of alleged sexual abuse (see Section VI. Official Response; Sub-Section E, 1. – Coordinated Response).
2. The Division shall use investigators who have received special training in sexual abuse investigations pursuant to (see Section II. Responsive Planning; Sub-Section B, 2 a) MOU – VCSO).
3. When the VCSO investigates allegations of sexual abuse, the Division will cooperate with the VCSO Investigator(s) and shall endeavor to remain informed about the progress of the investigation.
4. When the quality of evidence appears to support criminal prosecution or to determine whether compelled interviews may be an obstacle for subsequent criminal prosecution, the State Attorney's office will be contacted.
 - a) Substantiated allegations of conduct that appear to be criminal will be referred for prosecution.

❖ Administrative Investigations:

1. All investigations into allegations of sexual abuse and sexual harassment from all sources, including third-party and anonymous reports, will be referred for investigation to the following:

- a) The Division will notify Internal Affairs to assume responsibility for all administrative investigations of alleged sexual abuse or sexual harassment.
2. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse;
3. 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.

B. Evidentiary Standard for Administrative Investigations

1. The Division imposes no standard higher than a preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment are substantiated.
 - a) Preponderance of evidence means greater weight of evidence, or evidence that is more credible and convincing to the mind.

C. Reporting to Inmates

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in the facility, the Division shall request the relevant information from the investigative agency (VCSO) in order to inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. If there has been a substantiated or unsubstantiated allegation (not unfounded) of sexual abuse committed by a staff member against an inmate, the Division shall subsequently inform the inmate whenever:
 - a) The staff member is no longer posted within the inmate's unit;
 - b) The staff member is no longer employed at the facility;
 - c) The Division learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d) The Division learns that the staff member has been 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, the Division shall subsequently inform the alleged victim whenever:
 - a) The Division learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b) The Division learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All notifications or attempted notifications shall be documented.

VIII. DISCIPLINE

A. Disciplinary Sanctions for Staff:

1. A staff member found to have violated the Division's sexual abuse or sexual harassment policies in either a criminal or administrative investigation will receive sanctions up to and including termination.
 - a) See Division Policy 102.21, Staff Sexual Misconduct and Harassment, pp. 7, Table of Penalties.
2. A staff member found in either a criminal or administrative investigation to have engaged in sexually abusive contact or penetration of an inmate shall be terminated.
3. Disciplinary sanctions for violations of Division policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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.
4. The Division will report all terminations for violation of the Division's sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, to law enforcement agencies and any relevant licensing bodies in accordance with current Florida state statutes.

B. Corrective Action for Contractors and Volunteers

1. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and the Division shall report such conduct to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The Division will take remedial measures and prohibit further contact with inmates in the case of any other violation of the Division's sexual abuse and/or sexual harassment policies by a contractor or volunteer.

C. Disciplinary Sanctions for Inmates

1. Upon the conclusion of an administrative ruling of inmate-on-inmate sexual abuse or a criminal finding of guilt for inmate-on-inmate sexual abuse, the inmate perpetrator will be subject to the Division's disciplinary process as outlined in Division Policy, the Florida Model Jail Standards, and Florida State Statutes.
 - a) 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.
2. The Division disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.
3. The Division 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.

4. The Division prohibits all sexual activity between inmates.
5. Although all sexual activity is prohibited between inmates, the Division will only deem such activity to constitute sexual abuse if it determines that the activity is coerced.

IX. MEDICAL AND MENTAL HEALTH CARE

A. Medical and Mental Health Screenings – History of Sexual Abuse:

1. Medical staff will ask questions about prior sexual victimization and abusiveness during the initial intake screening and initial physical assessment.
2. Should an inmate disclose prior sexual victimization or abusiveness history, whether it occurred in an institutional setting or in the community, medical and/or mental health staff will provide the appropriate referral for treatment based on his or her reasonable professional judgment.
 - a) The inmate shall be offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical/mental health staff and Administrative staff with a need to know to determine appropriate housing, cell assignments, work, education, and program assignments.
4. Medical and mental health staff will obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

B. Access to Emergency Medical and Mental Health Services:

1. Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the medical/mental health staff according to their professional judgment.
2. 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.
3. Inmate victims of sexual abuse shall be offered timely information and access about emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate.

C. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers:

1. The Division will provide ongoing medical and/or mental health evaluation and treatment to all known victims of sexual abuse. The evaluation and treatment of victims will include the following:
 - a) Appropriate follow-up services;

- b) Treatment plans; and
 - c) When necessary, referrals for continued care for sexual abuse victims following their release from custody.
2. The level of medical and mental health care provided by the Division's medical staff will be of the same level of care generally accepted by the medical and mental health professional in the community.
 3. Female victims of sexual abuse while incarcerated are offered pregnancy tests;
 - a) If pregnancy results from sexual abuse while incarcerated, inmate victims receive timely and comprehensive information about and timely access to, all lawful pregnancy-related medical services.
 4. Inmate victims of sexual abuse while incarcerated are offered test for sexually transmitted infections as medically appropriate.

X. DATA COLLECTION AND REVIEW

A. Sexual Abuse Incident Reviews:

1. The Division conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review shall ordinarily occur within 30 days of the conclusion of the investigation.
2. The sexual abuse Incident Review Team includes upper-level management staff, with input from line supervisors, investigators, and medical or mental health staff.
3. The IRT shall:
 - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, and/or respond to incidents of sexual abuse;
 - b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTI 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; and
 - e) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to (3)(a)-(d) of this section, and any recommendations for improvement and submit such report through the PREA Coordinator and Warden to the Division Director.
4. The facility will implement the recommendations for improvement, or will document the reason for not doing so.

B. Data Collection:

1. The Division will collect uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions.
 - a) Incident-based sexual abuse data will be reviewed and compiled at least annually.
2. The incident-based 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 (SVV) conducted by the Department of Justice.
 - a) The Division will obtain data from multiple sources, including reports, investigation files, and sexual abuse incident reviews.
3. The Division will obtain incident-based and aggregated data from every facility with which it contracts for the confinement of its inmates.

C. Data Review for Corrective Action:

1. The Division will review incident-based and aggregated data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, practices, and training, including:
 - a) Identifying problem areas;
 - b) The Division will take corrective action on an ongoing basis, based on the problem areas indicated by the analysis of the data;
 - c) An annual report will be prepared of findings from the data and submitted to the Division Director along with recommended corrective action.
2. The annual report will include a comparison of the current year's data and corrective actions with those from prior years to provide an assessment in the Divisions progress in addressing sexual abuse.
3. The annual reports are approved by the Division Director and will be made available to the public through the County's website.

D. Data Storage, Publication, and Destruction:

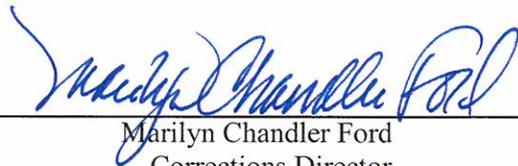
1. The Division will ensure that the collected sexual abuse data is properly stored, retained, protected and destroyed in accordance with current Florida State Statutes and recordkeeping procedures.
2. The Division will make all aggregated sexual abuse data from the Division's facilities and from those facilities it contracts to house inmates available to the public annually through the website.

- a) All personal identifiers will be removed from the aggregated data before it is made publicly available.
- b) The Division will maintain sexual abuse data for at least 10 years after the date of its initial collection, unless Federal, State, or local law allows for the disposal of official information in less than 10 years.

XI. AUDITS

A. Audits of Standards:

1. The Division will be audited by a certified PREA Auditor, every three years to ensure compliance with PREA standards.
 - a) Auditors will be independent from the Volusia County Division of Corrections and qualified to conduct the audit and certified to verify compliance.
2. The Division will make public on its website the audit reports and corrective plans.



Marilyn Chandler Ford
Corrections Director