
	<p>ORANGE COUNTY CORRECTIONS DEPARTMENT ADMINISTRATIVE ORDER</p> <p>O.C.C.D. NO. IO.414</p>	
<p>SUBJECT:</p>	<p>PRISON RAPE ELIMINATION ACT (PREA)</p>	<p>Page 1 of 26</p>

I. AUTHORITY:



Farmer v. Brennan, 511 U.S. 825 (1994)
The Prison Rape Elimination Act (28 C.F.R. Part 115)
Florida Statute: 794.011, 810.14, 943.0439 and **951.221**
Florida Administrative Code 11B-27.0011, 11B-27.003(2) a.
Florida Model Jail Standards: (2.17) (a) (b), (3.02) (d), (4.11), (13.02) (1) (3)
(5) (6) (7) (18.01)

II. REFERENCE:

American Correctional Association Standards: 4-ALDF-2A-03, 2A-29, 2A-34,
4D-22-1 4D-22-2, 4D-22-3, 4D-22-4, 4D-22-5, 4D-22-6, 4D-22-7, 4D-22-8,
6A-07, 7B-08, 7-B-10, 7-B-10-1, 7E-01
Florida Corrections Accreditation Commission Standards: 9.03M, 9.09M, 10.12
M, 30.01 M, 30.02 M, 30.03 M, 15.12 M, 30.04 M
The Prison Rape Elimination Act Standards (28 C.F.R. Part 115)
PREA Process Flow Chart
Community Corrections Department SOP: [CCD-AM.004-109 "Incident Reporting Procedures"](#)
Orange County Corrections Department Administrative Orders: [AM.400 "Department Records Management,"](#) [IO.109 "Critical Event/ Major Incident Reporting Procedures,"](#) [IO.403, "Inmate Grievances",](#) [IO.405 "Attempted /Sexual Battery Complaints,"](#) and [IS.600, "Admission/Intake and Orientation Process"](#)
OCCD Inmate Handbook (English) and Inmate Handbook (Spanish)

III. POLICY:



The Department shall incorporate the Prison Rape Elimination Act National Standards into Administrative Orders and Standard Operating Procedures, and such standards shall include, but not be limited to prevention planning, education, risk screening, official response, investigations, discipline, medical care, mental health care, reporting procedures, tracking, data review. There shall be zero tolerance for any form of sexual abuse and/or sexual harassment, and such procedures shall include prompt

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and effective intervention to address the safety and treatment needs of an inmate victim, and the investigation, discipline and prosecution of the aggressor(s). [PREA 115.11 \(a\)](#)

IV. DEFINITIONS:



- A. Community Confinement: A facility in which individuals reside as part of a term of imprisonment while participating in gainful employment, employment search efforts, community service, vocation training, treatment, and educational programs.
- B. Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- C. Lockup: A temporary confinement facility that contains holding cells, cell blocks, or other secure enclosure under the control of a law enforcement, court, or custodial officer.
- D. PREA: Prison Rape Elimination Act.
- E. PREA Coordinator: An upper-level, agency-wide coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.
- F. PREA Compliance Manager: Staff with sufficient time and authority to coordinate the Department's efforts to comply with PREA.
- G. Sexual Abuse by an Inmate: Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

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

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

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
4. Penetration of the anal or genital opening, however slight, by a hand, finger, or object, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
5. Any other intentional contact, either directly or through the clothing, with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section.

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7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, or voyeurism by a staff member, contractor, or volunteer.
8. Voyeurism by a staff member, contractor, or volunteer
 - I. Sexual Abuse Incident Review: A review conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review team will evaluate the incident based on the criteria outlined in PREA Standard 115.86 and make recommendations for improvement.
 - J. Sexual Harassment: Repeated and unwelcome sexual advances, request for favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 - K. Transgender: A person whose gender identity (e.g., internal sense of feeling male or female) is different from the person's assigned sex at birth.
 - L. Voyeurism: Invasion of privacy of an inmate, detainee, or resident by staff, contractor, or volunteer for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

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V. PROCEDURES:

A. PREA Coordinator:



The PREA Coordinator will provide develop, implement and oversee the Department's efforts to comply with the standards. Routine updates and progress reports on compliance will be provided, in addition to notice of any problems or concerns. [PREA 115.11\(b\)](#)

1. The PREA coordinator will be given full access to Department facilities, records, equipment, and staff for the purpose of complying with the PREA standards.
2. All staff, regardless of rank, will cooperate with the PREA coordinator, recognizing that their efforts are being conducted under the authority of the Chief of Corrections.

B. PREA Compliance Manager:

PREA Compliance Managers shall coordinate and oversee the facility's efforts to comply with the PREA standards and such efforts shall include, but may not be limited to: [PREA 115.11\(c\)](#)



1. Monitoring physical plant components to identify and correct deficiencies (blind spots, inadequate monitoring of sound, and non-incident viewing of showering, bodily functions, and the changing of clothing by inmates, e.g.).
2. Advising the PREA coordinator of all incidents/situations that may pertain to a violation of PREA standards to include forwarding any documentation describing such events.
3. Monitor and evaluate staff to ensure their attitude, knowledge, communication and performance is conducive to a culture of sexual safety awareness.

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4. Ensuring key information and materials used by auditors to evaluate compliance of PREA standards are used to question staff and inmates in preparation for audits.

C. Prevention Planning:

1. The PREA coordinator and PREA compliance managers will be included in the policy review process and during various levels of review to ensure PREA national standards are incorporated into Department policies.
2. The Department shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis (yearly) with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. [PREA 115.13\(a\)](#)
3. A juvenile inmate shall not be placed in a housing unit in which the juvenile inmate will have sight, sound, or physical contact with any adult inmate. [PREA 115.14\(a\)](#)
4. The Department shall enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when incidental to routine checks. [PREA 115.15\(d\)](#)
5. The Department shall take appropriate steps to ensure that inmates with disabilities or who have limited English proficiency are able to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. [PREA 115.16 \(a\) \(b\)](#)
6. The Department shall not rely on inmate interpreters except in limited circumstances where an extended delay may compromise the inmate's safety. [PREA 115.15 \(c\)](#)



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7. The Department shall not hire or promote staff, or allow consultants, contract personnel, construction contractors, specialty technicians, vendors, community services staff, volunteers, or program providers into any OCCD facility who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or other institution. [PREA 115.17 \(a\) \(1\)](#)
 - 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 coercion, or if the victim did not consent or was unable to consent or refuse. [PREA 115.17 \(a\) \(2\)](#)
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section. [PREA 115.17 \(a\) \(3\)](#)

8. The Department 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: [PREA 115.17 \(b\)](#)

9. Staff shall have a continuing affirmative duty to disclose any misconduct regarding sexual abuse in a correctional facility, or any criminal conviction or civil adjudication for sexual activity in the community involving force, threats of force, coercion, or lack of consent. At a minimum, staff shall be required to annually attest that they have not been a perpetrator of any such activity. [PREA 115.17 \(f\)](#)

10. Criminal background record checks will be conducted at least every five years on current employees and contractors. [PREA 115.17 \(e\)](#)



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11. The Department shall consider the effect of the design, acquisition, and monitoring technology upon the Department's ability to protect inmates from sexual abuse. [PREA 115.18 \(a\) \(b\)](#)
12. The Department shall ensure staff of the opposite gender announce their presence when entering an inmate housing unit, and these announcements are recorded in the daily log. [PREA 115.15 \(d\)](#)
13. Ensure intermediate-level or higher level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. [PREA 115.13 \(d\)](#)
14. If an inmate is visually impaired and/or cannot read, a staff member will read orientation materials to the inmate, or provisions will be made through the use of an audio or video tape to ensure they are fully informed of sexual abuse prevention and reporting.

D. Responsive Planning:

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



1. Sexual Abuse Allegations
 - a. Allegations of inmate on inmate sexual abuse will require immediate law enforcement notification and implementation of procedures as outlined in OCCD Administrative Order [IO.405 "Attempted/Sexual Battery Complaints"](#) and OCCD Administrative Order [IO.109 "Critical Event/Major Incident Reporting Procedures."](#)
 - b. Allegations of sexual abuse involving staff, contractors, technicians, volunteers, vendors, or program providers will require immediate law enforcement officer notification and implementation of procedures as outlined in OCCD

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Administrative Orders [IO. 405 "Attempted/Sexual Battery Complaints"](#) and [IO. 109 "Critical Event/Major Incident Reporting Procedures."](#)

- c. A request will be made to the Orange County Sheriff's Office and/or the Orlando Police Department concerning criminal investigations, and will include: [PREA 115.71\(b\)](#)
- 1) Uniform evidence protocol that maximizes the potential for obtaining useable physical evidence. [PREA 115.21 \(a\)](#)
 - 2) Protocol based on the most recent edition of the DOJ's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examination, Adults / Adolescents." [PREA 115.21 \(b\)](#)
 - 3) Offering victims of sexual abuse access to forensic medical examinations, without financial cost, where evidentiary or medically appropriate. [PREA 115.21 \(c\)](#)
 - 4) Requirement that examinations are performed by qualified medical practitioners. [PREA 115.21 \(c\)](#)
 - 5) Inmates with autism or an autism spectrum will be interviewed in accordance with OCCD Administrative Order [IS.600, Admission/Intake and Orientation Process. FSS.943.0439](#)
 - 6) Upon request of the victim, a victim advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews. [PREA 115.21 \(e\)](#)
- d. The OCCD Internal Affairs Unit will be notified of all allegations involving sexual abuse to allow for administrative review and/or investigation.

Effective Date: 08/30/20



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2. Sexual Harassment Allegations



- a. Allegations involving inmate on inmate sexual harassment will be forwarded to the Orange County Corrections Department Internal Affairs Unit, who will review and/or investigate all incidents.
- b. Sexual harassment allegations involving staff, contractors, technicians, volunteers, vendors, or program providers, will be investigated by the Orange County Corrections Department Internal Affairs Unit

E. Training and Education:



- 1. The Department shall train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse/harassment: **PREA 115.31 (a) (1)**
 - a. How to fulfill their responsibilities under Department sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures **PREA 115.31 (a) (2)**
 - b. Inmate's rights to be free from sexual abuse/harassment; and the right of inmates and employees to be free from retaliation for reporting sexual abuse/harassment **PREA 115.31 (a) (3) (4)**
 - c. **The dynamics of sexual abuse and sexual harassment in confinement. PREA 115.31 (a) (5)**
 - d. **How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. PREA 115.31 (a) (10)**
 - e. How to avoid inappropriate relationships with an inmate **PREA 115.31 (a) (8)**

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- f. The common reactions of sexual abuse and sexual harassment victims [PREA 115.31 \(a\) \(6\)](#)
 - g. Detect/respond to signs of threatened/actual sexual abuse. [PREA 115.31 \(a\) \(7\)](#)
 - h. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming [PREA 115.31 \(a\) \(9\)](#)
 - i. Training shall address concerns and issues related to both male and female inmates. [PREA 115.31 \(b\)](#)
 - j. The Department shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. [PREA 115.15 \(f\)](#)
 - k. Information on current sexual abuse / harassment policies and procedures shall be readily available at all times. [PREA 115.31 \(c\)](#)
 - l. The Department shall document through employee signature that employees understand the training they have received. [PREA 115.31 \(d\)](#)
2. The Department shall ensure all volunteers and contractors who have contact with inmates understand the Department's sexual abuse and harassment prevention, detection, and response policies: [PREA 115.32 \(a\)](#)
- a. The same training will be provided to all volunteer and contract staff and documentation will be maintained to verify they understand the training they have received. [PREA 115.32 \(b\) \(c\)](#)

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- b. Volunteers and contractors shall be notified of the Department's zero-tolerance policy regarding sexual abuse / harassment. [PREA 115.32 \(b\)](#)
3. Inmates shall receive information during the intake process regarding the Department's zero tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment: [PREA 115.33 \(a\)](#)
 - a. Additional training will occur within thirty (30) days through video or in person regarding their rights to be free from sexual abuse/harassment, and/or retaliation for reporting such incidents. [PREA 115.33 \(b\)](#)
 - b. The Department shall maintain documentation of inmate participation in these education sessions. [PREA 115.33 \(e\)](#)
 - c. The Department will ensure key information is continuously and readily available or visible to inmates through posters, Inmate Handbooks, or other written formats. [PREA 115.33 \(f\)](#)
4. Staff conducting sexual abuse investigations will receive training in conducting such investigations in confinement settings: [PREA 115.34 \(a\)](#)
 - a. Training shall include techniques for interviewing victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria required to substantiate a case for administrative action or prosecution referral. [PREA 115.34 \(b\)](#)
 - b. The agency shall maintain documentation that investigators have completed the required specialized sexual abuse training. [PREA 115.34 \(c\)](#)
5. Medical and Mental health care practitioners who work regularly in the facilities will be trained in: [PREA 115.35 \(a\)](#)

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- a. How to detect and assess signs of sexual abuse and sexual harassment [PREA 115.35 \(a\) \(1\)](#)
- b. How to preserve sexual abuse evidence [PREA 115.35 \(a\) \(2\)](#)
- c. How to respond effectively professionally to victims of sexual abuse and sexual harassment [PREA 115.35 \(a\) \(3\)](#)
- d. How and when to report allegations or suspicions of sexual abuse and sexual harassment [PREA 115.35 \(a\) \(4\)](#)
- e. The Department shall document, through employee signature or electronic verification that employees understand the training. [PREA 115.35 \(c\)](#)



F. Screening for Risk of Victimization and Abusiveness:

1. All inmates shall be assessed [by the Classification Staff](#) during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates: [PREA 115.41 \(a\)](#)
 - a. Such assessments shall be conducted using an objective screening instrument and as a minimum using criteria set forth in PREA standard 115.41. [PREA 115.41 \(c\)](#)
 - b. [Within thirty \(30\) days from the inmate's booking date, the inmate's risk of victimization or abusiveness will be re-assessed by the Classification Staff.](#) [PREA 115.41 \(f\)](#)
 - c. An inmate's risk level shall [also](#) be reassessed due to a referral, request, an incident of sexual abuse, or additional information bearing on the inmate's risk of sexual victimization or abusiveness. [PREA 115.41 \(g\)](#)

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2. The Department shall use information from risk screening pursuant to standards 115.41 and 115.42 to make housing, bed, work, education, and program assignments with the goal of keeping separate high risk victims and abusers: [PREA 115.42 \(a\)](#)
 - a. Individualized determinations about how to ensure the safety of each inmate will be made. [PREA 115.42 \(b\)](#)
 - b. A transgender or intersex inmate's views with respect to his or her own safety shall be given serious consideration. [PREA 115.42 \(e\)](#)
 - c. Transgender and intersex inmates shall be given the opportunity to shower separately. [PREA 115.42 \(f\)](#)
 - d. The agency shall not house lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is per a court order for protection. [PREA 115.42 \(g\)](#)

3. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made: [PREA 115.43 \(a\)](#)
 - a. Segregated units housing inmates at high risk for sexual victimization, or housing sexual abuse victims shall be managed using the criteria set forth in PREA standard 115.43.
 - b. The facility shall afford such inmates a review every thirty (30) days to determine whether there is a continuing need for separation from the general population. [PREA 115.43 \(e\)](#)

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G. Reporting:

1. The Department shall provide multiple ways for inmates or their representative(s) to privately report sexual abuse/harassment, retaliation, or staff neglect of such incidents, methods of reporting may include: [PREA 115.51 \(a\)](#) [\(b\)](#)
 - a. Written grievance
 - b. Verbally report to any staff member
 - c. OCCD Internal Hotline
 - d. Crime Line
 - e. Victim Service Center Sexual Assault Hotline
 - f. PREA reporting form on website
 - g. OCCD Internal Affairs Unit / Office of Professional Standards
 - h. Third party to any of the aforementioned areas and/or individuals
2. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. [PREA 115.51 \(c\)](#)
3. An allegation of sexual abuse received by submission of a grievance will be handled as any other allegation, to include initiating a report and providing an immediate response *in accordance with Orange County Corrections Department Administrative Order IO.405, "[Attempted/Sexual Battery Complaints](#)".*
 - a. If a grievance is received alleging that an inmate is at substantial risk for imminent sexual abuse, an immediate

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response will also be required, to include a pending protective custody review. [PREA 115.52 \(f\) \(1\)](#)

- b. The Department may not impose a time limit on when an inmate may submit a grievance regarding alleged sexual abuse. [PREA 115.52 \(b\) \(1\)](#)
- c. Additionally, all grievances alleging sexual abuse shall be entered in IMS and processed in accordance with OCCD Administrative Order [IO.403, "Inmate Grievances"](#).



- d. Nothing in the PREA Standards shall restrict the department's ability to defend against an inmate's lawsuit on the grounds that the applicable statute of limitations has expired. [PREA 115.52 \(b\) \(4\)](#)

- 3. The Department shall provide inmates with access to outside victim advocates for emotional support service related to sexual abuse via telephone numbers and mailing addresses: [PREA 115.53 \(a\)](#)



- a. Inmates will be advised of the extent of monitored communications and of mandatory reporting laws. [PREA 115.53 \(b\)](#)
- b. The Department will maintain memoranda of understandings or other agreements with community service providers that are able to provide inmate with confidential emotional support services related to sexual abuse. [PREA 115.53 \(c\)](#)

H. Official Response following an Inmate Report:

- 1. Staff will immediately report according to Department policy any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, retaliation, or staff neglect of responsibilities: [PREA 115.61 \(a\)](#)

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- a. With the exception of reporting to designated supervisors, staff are 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 decisions. [PREA 115.61\(b\)](#)
- b. Medical and mental health practitioners shall inform inmates of the practitioner's duty to report, and the limitation of confidentiality, at the initiation of services. [PREA 115.61 \(c\)](#)
- c. *If the alleged victim is under the age of 18 or considered a vulnerable adult under FSS, the allegation will be reported to the Department of Children and Families (DCF) in accordance with mandatory reporting laws. [PREA 115.61 \(d\)](#)*
- d. Allegations of sexual abuse/harassment, to include anonymous and third party reports, shall be investigated by the Department's designated investigators and may be forwarded to federal, state and local law enforcement agencies, if applicable. [PREA 115.61 \(e\)](#)
- e. When the Department learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate, to include placing the inmate on protective custody status in accordance with OCCD Administrative Order IO.301 "Protective Custody Segregation", if appropriate. [PREA 115.62](#)
- f. Upon receiving an allegation that an inmate was sexually abused while in the care, custody, or control of another agency; that agency shall be notified within seventy-two (72) hours of the allegation and the notification will be documented. [PREA 115.63 \(a\) \(b\) \(c\)](#)
- g. Whenever other agencies call indicating an inmate is claiming that a PREA event occurred while in our custody, such claims



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shall be immediately referred to the OCCD Internal Affairs Unit for review and disposition. [PREA 115.63 \(d\)](#)

2. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond shall be required to: [PREA 115.64 \(a\)](#)
 - a. Separate the alleged victim and abuser. [PREA 115.64 \(a\) \(1\)](#)
 - b. Preserve and protect any crime scene and the victim until steps can be taken to collect any evidence. [PREA 115.64 \(a\) \(2\)](#)
 - c. [If the abuse occurred within a time period that still allows for the collection of physical evidence, the alleged victim and abuser will be instructed not to take any actions that could destroy physical evidence \(washing, brushing teeth, and using the bathroom, eating or drinking\). PREA 115.64 \(a\) \(3\) \(4\)](#)
3. Written institutional plans ([I.O. 405 "Attempted Sexual Battery Complaints"](#)) detail actions taken by first responders, medical, mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse: [PREA 115.65](#)

The Department shall not enter into a collective bargaining, or other agreement limiting the Department's ability to remove staff from contact with inmates pending the outcome of a sexual abuse/harassment investigation. [PREA 115.66 \(a\)](#)

4. Department staff is encouraged to follow their chain of command to privately report sexual abuse and/or sexual harassment of inmates not previously reported; however, if not comfortable in doing so, he/she may directly contact the OCCD Internal Affairs unit.

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I. Retaliation:

The Department shall protect all staff and inmates who report sexual abuse/harassment, from retaliation, to include any individual who cooperates with an investigation. The PREA Coordinator shall be charged with monitoring suspected, reported and/or known retaliation against staff and inmates pursuant to PREA standard 115.67. Protective measures may include: PREA 115.67 (a) (e)

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

J. Investigations:



1. Allegations shall be investigated promptly, thoroughly and objectively, including third-party and anonymous reports: PREA 115.71 (a)
 - a. The Department shall use investigators who have received special training in sexual abuse pursuant to PREA standard 115.34. PREA 115.71 (b)

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- b. Criminal and administrative Department investigations shall be conducted pursuant to PREA standard 115.71 which requires the investigation to continue regardless of the employment status of the subject.
 - c. The Department shall impose no standard higher than a preponderance of evidence to determine whether allegations of sexual abuse or sexual harassment are substantiated. [PREA 115.72](#)
2. Following an investigation into an inmate's allegation that he or she suffered sexual abuse the Department shall inform the inmate as to the status of any criminal charges and whether the allegation has been determined to be substantiated, unsubstantiated or unfounded: [PREA 115.73 \(a\)](#)
- a. Retention and/or release of any information shall be pursuant to [Chapter 119, Florida Statute](#) "Public Records."
 - b. Our Department's obligation to report under PREA standard 115.73 will be documented, however our Department's obligation to report to/inform the inmate shall terminate if the inmate is released from custody. [PREA 115.73 \(f\)](#)

K. Discipline:



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

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comparable offenses by other staff with similar work histories. [PREA 115.76 \(c\)](#)

- b. Resignations occurring while the subject is under investigation will be forwarded to the F.D.L.E pursuant to Florida statute 943.13 (4) or (7) or Rule 11B-27.0011, F.A.C. [PREA 115.76 \(d\)](#)
- c. FDLE “Internal Investigation Report” form CJSC 78 shall be used to report sustained violations of the Department’s sexual abuse or sexual harassment policies and sustained violations will also be reported to law enforcement agencies.
2. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with the inmate(s) pending a review, inquiry, and/or investigation: [PREA 115.77 \(a\)](#)

 - a. The incident shall be reported to local law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. [PREA 115.77 \(a\)](#)
 - b. The facility shall take appropriate remedial measures, and consider prohibiting further contact with inmates, in the case of any other violation by a contractor or volunteer and such measures will be based on the nature and circumstances of the acts committed. [PREA 115.77 \(b\)](#)
3. Inmates accused of engaging in sexual abuse and / or sexual harassment will face a full disciplinary process pursuant to Orange County Administrative Order [IO. 200 “Inmate Discipline,”](#) and as a result may have disciplinary sanctions imposed against them: [PREA 115.78 \(a\)](#)



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- a. An inmate may be disciplined for sexual contact with a staff member only upon a finding the staff member did not consent to such contact. [PREA 115.78 \(e\)](#)
- b. A report of sexual abuse made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute falsely reporting, or lying. [PREA 115.78 \(f\)](#)
- c. The Department may not deem sexual activity between inmates as sexual abuse if the activity is not coerced. [PREA 115.78 \(g\)](#)

L. Medical and Mental Health Care:

When screening indicates an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will ensure the inmate is offered a follow-up meeting with Health Services within fourteen (14) days of the intake screening: [PREA 115.81 \(c\)](#)

1. Information related to sexual abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health, and other staff, as necessary, to inform treatment plans and security and management decisions. [PREA 115.81 \(d\)](#)
2. Health Services staff shall obtain informed consent before reporting prior sexual victimization, not occurring in an institutional setting, unless the inmate is under age eighteen (18). [PREA 115.81 \(e\)](#)
3. Treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperate with any investigation arising out of the incident. [PREA 115.82 \(d\)](#)
4. Individuals who become victims of sexual abuse while incarcerated shall receive timely, unimpeded access to emergency medical treatment, crisis intervention, testing for sexually transmitted

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infections and pregnancy-related medical services, if applicable, without financial costs. [PREA 115.82 \(a\) \(c\)](#)

5. The Department shall offer ongoing medical and mental health evaluation and treatment, if appropriate, to inmates who have been victimized by sexual abuse while in custody and these services will be consistent with the level of care available in the community. If the inmate is under the age of eighteen (18), a Parental Consent form is required prior to non-emergency services being provided.

6. Inmate on inmate abusers will be offered treatment when deemed appropriate by mental health practitioners. [PREA 115.83 \(h\)](#)

M. Data Collection and Review:

1. A sexual abuse incident review will be conducted within thirty (30) days of the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded: [PREA 115.86 \(a\) \(b\)](#)
 - a. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. [PREA 115.86 \(c\)](#)
 - b. The review at a minimum shall use standard 115.86 criteria to evaluate the incident and make recommendations for improvement, which shall be implemented, or the reason for not doing so will be documented. [PREA 115.86 \(d\) \(e\)](#)
2. The Department shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The incident based data shall be aggregated annually: [PREA 115.87 \(a\) \(b\)](#)
 - a. The incident-based data at a minimum shall include information necessary to answer all questions from the



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most recent version of the *Survey of Sexual Violence* conducted by the Department of Justice. [PREA 115.87 \(c\)](#)

- b. The Department shall maintain, review, and collect data as needed from incident-based documents, including reports, investigation files, and sexual abuse incident reviews. [PREA 115.87 \(d\)](#)
3. The Department shall review data collected and aggregated pursuant to standard 115.87 to improve its sexual abuse prevention, detection, and response policies, and training, in order to: [PREA 115.88 \(a\)](#)

 - a. Identify problem areas, and take corrective action on an ongoing basis. [PREA 115.88 \(a\) \(1\) \(2\)](#)
 - b. Prepare an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. [PREA 115.88 \(a\) \(3\)](#)
4. The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall: [PREA 115.88 \(b\)](#)

 - a. Provide an assessment of the Department's progress in addressing sexual abuse. [PREA 115.88 \(b\)](#)
 - b. Be maintained pursuant to Florida statute 119 and Orange County Administrative Order [AM.400 "Department Records Management."](#)
5. The Department shall securely retain all data collected and will be maintained in accordance with the State of Florida Records Retention Schedule. [PREA 115.89 \(a\) \(d\)](#)

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N. Required Website Information:

The Department’s annual report of its findings and corrective actions shall be approved by the Chief of Corrections and made readily available to the public through the website. [PREA 115.88 \(c\)](#)


1. The Department’s obligation to refer allegations of sexual abuse to a law enforcement agency with legal authority to conduct criminal investigations shall be posted. [PREA 115.22 \(b\)](#)
2. Results of the *Survey of Sexual Violence* conducted by the Department of Justice shall be posted. [PREA 115.89 \(b\)](#)
3. PREA Zero Tolerance policy and reporting form shall be included on the website.
4. The Auditor’s final report will also be published on the website and made available to the public. [PREA 115.403\(f\)](#)

O. Community Corrections:

1. Community Corrections Division staff will adapt applicable standards set forth in this policy to support the fundamental intent of PREA which is to protect clients from sexual harassment, and/or sexual abuse.
2. Upon being notified of a situation and/or incident that occurred while in the custody of the Orange County Jail that may constitute a violation of the Prison Rape Elimination Act, staff will follow the procedures set forth in [CCD-AM.004-109 “Incident Reporting Procedures”](#).

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APPROVED:



Louis A. Quiñones, Jr.
Chief
Orange County Corrections Department

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

Policy:

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

Principle One:

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

Principle Two:

- The Orange County Jail has zero tolerance for any staff sexual misconduct or sexual harassment directed toward (LGBTI) inmates or detainees.

Communication:

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

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

Classification:

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

PREA Process Flow Chart

