



## Corporate Policy and Procedure

<b>TITLE:</b> Prison Rape: Prevention, Detection, and Response	<b>DATE ISSUED:</b> 10/10/13
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### I. Reference:

F.A.C. 33-602; DOC Contract; DOC Monitor, ACA Standards 4-ACRS-6A-05, 5-ACI-1C-09, 5-ACI-3D-09 Through 5-ACI-3D-16, and 5-ACI-6C-14.

### II. Purpose:

- A. To establish zero-tolerance standards for sexual abuse, sexual battery, and sexual harassment in work release centers while protecting the rights of inmates, regardless of gender or sexual preference, through accountability of perpetrators and the punishment of community correctional officials who fail to prevent, detect, and respond to sexual abuse, sexual battery, and sexual harassment crimes for incarcerated inmates and those offenders under Departmental jurisdiction.
- B. To establish and provide implementation of standards for the detection, prevention, elimination and punishment of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment by increasing the availability of data, information, and training on the incidence of sexual abuse, sexual battery, and sexual harassment, consequently improving the management and administration of correctional facilities.
- C. To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment.

### **III. Policy:**

- A.** Bridges Community and Residential Facilities will comply with the national standards to prevent, detect, and respond to prison rape under the Prison Rape Elimination Act (PREA), Federal Rule 28 C.F.R. Part 115.
- B.** Bridges of America, Inc./Bridges International Facilities adheres to the Florida Department of Corrections Procedure 602.053, Prison Rape: Prevention, Detection, and Response policy as it relates to the detection, prevention and response in community release and residential facilities.
- C.** This policy serves as a guideline for the training of staff and management to effectively carry out the Department's procedure regarding PREA throughout Bridges International facilities, ensuring a safe environment for all staff, inmates, and clients free of sexual abuse and misconduct.

### **IV. Definitions:**

- A.** **Abuser/Predator**, where used herein, refers to a staff member, volunteer, contractor, or inmate committing forcible sexual contact against an inmate.
- B.** **Compliance Manager**, where used herein, refers to an employee designated to coordinate the center's effort to comply with PREA standards.
- C.** **Contractor**, where used herein, refers to a person who provides service on a recurring basis pursuant to a contractual agreement with the Department or any state agency in which state prisoners are housed, worked, or kept.
- D.** **Employee/Staff**, where used herein, refers to individuals who work for Bridges of America on a full-time or part-time basis.
- E.** **LGBTQI**, where used herein, refers to Lesbian, Gay, Bisexual, Transgender, Queer and Intersex.
- F.** **Prison Rape Elimination Act (PREA)**, where used herein, refers to Part 115 of Title 28 of the Code of Federal Regulations (C.F.R.), National Standards to Prevent, Detect, and Respond to Prison Rape, under the "Prison Rape Elimination Act of 2003." The Act provides for analysis of the incidence and effects of prison rape in federal, state, and local institutions, and for information, resources, recommendations, and funding to protect individuals from prison rape.
- G.** **Sexual Abuse**, where used herein, refers to:
  - (a) any unwanted or coerced act by an inmate against another inmate, without the inmate's consent, or where the coercion into the act is by overt or implied threats or violence including any of the following:
    1. contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
    2. contact between the mouth and the penis, vulva, or anus;

3. penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument; and
4. any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation;

(b) any of the following acts perpetrated by a staff member, contractor, or volunteer against an inmate, with or without consent of the inmate:

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, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section;
7. any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
8. voyeurism by a staff member, contractor, or volunteer.

**H. Sexual Battery**, where used herein, refers to nonconsensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the oral, anal, or vaginal penetration of another by any other object; however, sexual battery does not include an act done for bona fide medical purpose. Any inmate, employee or volunteer, or contractor who commits a sexual battery may be criminally prosecuted pursuant to chapter 794, F.S.

**I. Sexual Contact**, where used herein, refers to the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**J. Sexual Harassment**, where used herein, includes,

1. 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
2. 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.

**K. Sexual orientation**, where used herein, refers to the direction of one's sexual interest towards members of the same, opposite, or both genders (e.g., heterosexual, homosexual, bisexual, asexual). Sexual orientation and gender identity are not related sex assigned at birth.

**L. Staff Sexual Misconduct**, where used herein refers to any conduct which is sexual in nature, and which is unwelcome and engaged. Pursuant to section 944.35, F. S., any employee who engages in sexual misconduct with an inmate or offender without committing the crime of sexual battery, commits a felony of the third degree.

**M. Transgender**, where used herein, refers to a person whose gender identity is different from the person's assigned sex at birth.

**N. Volunteer**, where used herein, refers to an individual who donates her/his time or effort on a recurring basis to enhance the activities and programs at the facility.

**O. Voyeurism**, where used herein, refers to the invasion of an inmate's privacy by staff for reasons unrelated to official duties, such as staring at an inmate who is using a toilet to perform bodily functions, showering, changing clothes, or taking images of all or parts of an inmate's naked body.

**V. Procedure:**

**An inmate or offender cannot consent to sexual or romantic behavior with a staff member, contractor, or volunteer while under the supervision of the Florida Department of Corrections.**

**A. EXCLUSIONS:**

The terms and conditions as described throughout this procedure will not apply to:

- (1) the use of custodial personnel's hands or electronic contraband detection devices to perform clothed or unclothed searches of inmates in accordance with "Contraband and Searches of Inmates," Procedure 602.018;
- (2) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating a prison sexual battery;
- (3) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison sexual abuse; or
- (4) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches of inmates in accordance with "Contraband and Searches of Inmates," Procedure 602.018.

**B. PREVENTION/DETECTION**

1. Initial orientation will be provided to all newly received inmates concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with FDOC Procedure 601.210 “Inmate Orientation,” and BI P&P #40.11.035.
2. Each time an inmate arrives at an institution, Health Services staff screen the inmate upon arrival and within 24 hours. This screening shall be conducted as part of the intake process to assess whether the inmate has a mental, physical, or developmental disorder that requires particularized medical or mental health care. This information will be documented on the “Health Information Transfer/Arrival Summary, “DC4-760A.
3. Staff will not search or physically examine a potential GD inmate, transgender inmate, or intersex inmate for the sole purpose of determining the inmate’s genital status. If the genital status is unknown it can be determined through conversation with the inmate, by reviewing medical documentation or if necessary, through a broader medical examination conducted in private by a medical practitioner.
5. Searches of transgender and intersex inmates will be conducted as outlined in “Contraband and Searches of Inmates,” Procedure 602.018.7. Bridges staff will never conduct an unclothed body search unless directed and authorized by the Parent Facility Warden. Only Correctional Officer assigned staff will conduct this authorized search.
6. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. The inmate’s preference will be documented on the risk assessment and the inmate will be provided a printout of her/his preference.

**C. Staff:**

1. Any staff member will notify the Shift Supervisor if s/he observes an inmate acting in what appears to be a sexually threatening or coercive manner, or if the staff member has reason to believe that an inmate poses a risk of being sexually victimized. The Supervisor on duty will notify the Officer in Charge at the parent facility who will review and determine if the inmate will be returned to the parent facility for referral to the mental health department, or in their absence, medical staff, for appropriate review through submission of a “Staff Request/Referral,” DC4-529.
- b. The Bridge Facility Supervisor will initiate the appropriate incident reports and notify all the Contract Manager or designee and the Florida State Executive Director.
2. The Facility Director shall ensure that unannounced supervisory rounds and opposite gender housing announcements are conducted in accordance with policy and procedure.

**D. Training/Education:**

All staff training on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment related to PREA standards shall be developed by the Bureau of Staff Development

and Training for the Department. All staff assigned shall be thoroughly trained and informed regarding the company's zero-tolerance policy on sexual abuse, sexual battery, staff sexual misconduct and sexual harassment during New Employee Orientation and then annually thereafter. Designated staff at each facility will follow Bridges PREA Employee Training Lesson Plan to ensure that the following FDC required PREA training is being delivered in accordance with FDC Procedure 602.053 and BI Policies 20.010.013, Sexual Misconduct and 20.010.014, Sexual Harassment. Staff shall be trained in:

1. A statement on the Department's and Bridges zero-tolerance for sexual abuse and sexual harassment;
2. How employees shall fulfill their responsibilities under FDC Procedure 602.053, related PREA procedures, and the company's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. The inmate's rights to be free from sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;
4. That the rights of both staff and inmates to be free from retaliation for reporting sexual abuse, sexual battery, staff sexual misconduct and sexual harassment;
5. The dynamics of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;
6. Common reactions to sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in confinement settings;
7. How to detect and respond to signs of threatened and actual sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment;
8. How to avoid inappropriate relationships with inmates and offenders; and
9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
11. Overview of the following policies:
  - A. FDC Procedure 602.053, Prison Rape: Prevention, Detection and Response
  - B. BI Policy and Procedure 20.010.013, Sexual Misconduct
  - C. BI Policy and Procedure 20.010.014, Sexual Harassment
  - D. NI1-127- Volunteer, Interns and Contractor training

**E. Volunteers and Interns**

1. All Volunteers and Interns shall receive PREA training which will be delivered during their orientation phase following the Florida Department of Corrections NI1-127 Prison Rape Elimination Act Training for Interns, Volunteers and Contractors "Read and Sign" Training Material.

2. A copy of the read and sign shall be maintained on record at each facility in their designated file.
3. Each Volunteer and Intern shall go through refresher training annually and/or as required. In addition, the “PREA Brochure for Interns, Volunteers, and Contractors,” NI1-125 will be distributed annually to all contractors and volunteers.

**F. Inmates:**

1. Each Facility Director will ensure that the inmate orientation process will encourage inmates to immediately report any concern or fear of possible sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to correctional staff. This orientation will be conducted in accordance with “Inmate Orientation,” Procedure 601.210. This will include **the sexual abuse brochure (“Sexual Abuse Awareness,” NI1-120) is distributed to inmates, and that the following posters are clearly displayed, in both English and Spanish, in an area easily accessible to inmates, family members, and the public at each facility:**
  - a. PREA Poster – A, NI1-062
  - b. PREA Poster – B, NI1-063
  - c. PREA Poster – C, NI1-064, and
  - d. PREA Poster – D, NI1-065.
2. Inmates with recognized disabilities and Limited English Proficiency (LEP) shall be advised of the Department’s zero tolerance policy on sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment in accordance with the resources outlined in “Americans with Disabilities Act Provisions for Inmates,” FDC Procedure 604.101 and other Department resources as appropriate. Resources include:
  - a. closed captioning (deaf/hard of hearing);
  - b. large print material (impaired vision);
  - c. reading of materials to inmate(s) by staff (blind/limited mental capacity);
  - d. the Departments translator list (LEP)<http://dcweb/co/sop/prea/files/FDC-Translator-List.xlsx>; and
  - e. Language Line services (LEP) <http://dcweb/co/sop/prea/files/Language-Line.pdf>.
3. LEP inmates should be provided PREA education in their primary language.
4. All modifications to the PREA education process for LEP and disabled inmates should be documented on the “Acknowledgement of Receipt of Orientation on The Prison Rape Elimination Act (PREA) of 2003,” DC6-134C.
5. Inmates shall not be used as interpreters or readers except in exigent circumstances.
6. Each facility will ensure that “Sexual Abuse Awareness,” NI1-120 is distributed to inmates within the first 24 hours, and that the “Zero Tolerance for Sexual Abuse and Sexual

Harassment,” NI1-132, poster is clearly displayed, in both English and Spanish, in areas easily accessible to inmates, family members, and the public at each facility.

**G.** All staff, volunteers, and contractors will ensure that they foster an environment within their centers that clearly precludes sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This includes, but may not be limited to:

1. taking all reports concerning sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment seriously;
2. initiating immediate reporting of alleged sexual abuse, sexual battery, staff sexual misconduct and sexual harassment to the Office of the Inspector General;
3. taking immediate steps to ensure preservation of possible crime scenes, including appropriate evidence protection;
4. taking all appropriate measures to ensure the safety of an inmate who may have been sexually abused or battered or of an inmate who may have reported the sexual abuse or sexual battery of another; and
5. promptly reporting any allegation involving retaliation against alleged victims or identified reporters of sexual abuse, sexual battery, staff misconduct, or sexual harassment; and
6. promptly reporting any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.

**H. REPORTING:**

1. All incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment will be reported in accordance with: “Incident Reports - Institutions,” Procedure 602.008; or “Incident Reports – Community Corrections,” Procedure 302.045, as appropriate; and “Reporting Incidents to the Inspector General and Management Information Notification System,” Procedure 108.007; and “Emergency Action Center,” Procedure 602.012.

**The following methods are available for inmates and offenders to report incidents of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment:**

- a. a verbal report to any staff member, volunteer, or contractor;
- b. calling the TIPS line (877-660-6850 or \*8477 for inmates);
- c. calling an outside entity (Gulf Coast Children’s Advocacy Center) and report (850-832-3905 or \*8466 for inmates);
- d. filing an “Inmate Request,” DC6-236;
- e. filing an informal and/or formal grievance;
- f. having a family member, friend, or other member of the public fill out the online Citizen’s Complaint form;
- g. having a family member, friend, or other member of the public submit a third-party grievance;

- h. write or e-mail the Office of the Inspector General;
- i. write or e-mail the PREA Coordinator.

2. Any employee, volunteer, or contractor who observes the commission of the crime of sexual battery shall make a report promptly to the Operation Supervisor, Assistant Director or Director.
3. In all center instances of incidents involving sexual abuse, sexual battery, staff sexual misconduct, or staff sexual harassment, the Operation Supervisor (or highest-ranking supervisor on duty) will ensure that an Incident Report is completed and that the Director, On Call Supervisor, Parent Facility Duty Warden and EAC are notified.
4. The inmate(s) suspected of committing sexual abuse or sexual battery will be restrained in a secure location pending transfer to the parent facility.
5. Staff will not reveal any information related to the sexual abuse or sexual harassment allegation to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.
6. Anonymous reports of sexual abuse and sexual harassment will be accepted, documented and reported to the OIG.
7. Staff may privately report sexual abuse and sexual harassment of inmates to any Supervisor or administrator.

**I. RESPONSE:**

1. Center: Any employee who has knowledge of or receives information, written or verbal (via firsthand or from a third party), regarding the fear of, coercion into, or actual sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will immediately notify the highest-ranking supervisor on duty and the Facility Director. The Facility Director or designee will ensure that they immediately notify the Parent Facilities Warden or Duty Warden who will then take immediate steps to evaluate the inmate's concern/allegation. The authority notified will ensure proper medical treatment (if applicable) and mental health treatment are obtained. An investigation will be initiated in accordance with "Investigative Process," Procedure 108.003 and "Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations," Procedure 108.015.
3. Any employee who fails to report or take immediate action regarding these incidents, or intentionally manifest actions to embarrass, demean, or humiliate any victim or informant, or trivializes a report of sexual abuse or sexual battery will be subject to the appropriate level of discipline. This discipline will possibly include termination of employment.
5. Upon learning of an inmate sexual abuse or sexual battery allegation or incident, the first operations staff member to respond to the report shall be required to;

- a. separate the alleged victim and abuser;
  - b. preserve and protect any potential crime scene until appropriate steps can be taken to collect any evidence;
  - c. if the alleged abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking or eating;
  - d. if the alleged abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
  - e. if the first responder is not a security staff member, request that the alleged victim not take any action that could destroy physical evidence, and then notify security staff.
6. Any inmate who alleges sexual abuse or sexual battery shall be given a copy of the NI1-120 and advised of her/his right to access crisis intervention services, to have a forensic examination, and to have a victim advocate present during the forensic examination and/or the investigative interview, if s/he chooses. The provision of the NI1-120 and the advisement of rights shall be documented on a DC6-210.
7. A medical examination is not required for an inmate who alleges only sexual harassment or alleges an incident where no physical contact occurred. Mental Health services, however, shall be offered in these instances.
8. Inmates and/or staff who report sexual abuse will be monitored for retaliation for at least 90 days, with at least three contact status checks to occur within the 90-day monitoring period at the 30-, 60-, and 90-day marks from the date of the allegation. If an inmate is transferred during the 90-day monitoring period, it is the receiving institutions' procedural responsibility to continue monitoring the inmate for the remainder of the 90-day period. Although monitoring shall continue for at least 90 days, if during this period, the investigation has determined the allegation to be unfounded, monitoring may cease.
9. If staff at a receiving institution receives information that sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment occurred at another institution, the receiving institutions Facility Director shall notify the sending institutions Warden within 72 hours of receiving the allegation. The notification shall be documented on a DC6-210.
10. The receiving institution, where the allegation is reported, will be responsible for contacting the Parent Facility Warden or designee, EAC and completing a DC6-210.

The Parent Facility staff will be responsible for entering the appropriate information into MINS for appropriate handling.

**J. POST SEXUAL BATTERY GUIDELINES:**

The Office of the Inspector General shall conduct all investigations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment pursuant to section 944.31, F.S., “Investigative Process,” Procedure 108.003, and “Sexual Battery, Sexual Harassment, and Sexual Misconduct Investigations,” Procedure 108.015 and as outlined within Procedure 602.053.

**K. MEDICAL AND MENTAL HEALTH CARE:**

- (1) Alleged inmate victims of sexual abuse, sexual battery, or staff sexual misconduct shall receive timely, unimpeded access to emergency treatment and crisis intervention services, the nature and scope of which will be determined by medical and mental health practitioners according to their professional judgment.
- (2) Inmate victims of sexual abuse, sexual battery, or staff sexual misconduct while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Additionally, the victim will be offered support services by means of a mailing address and/or telephone numbers to local community support group organizations, where available.
- (3) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident.
  - a. As appropriate, medical and mental health evaluation and treatment shall be offered to all inmates who have been sexually victimized in any Department or contracted facility and will be consistent with the community level of care. The evaluation and treatment of such victims shall include as appropriate, follow-up services, and, when necessary, referrals for continued care following a transfer to, or placement in, another facility, or a release from custody.
  - b. Inmate victims of vaginal penetration during the inmate’s incarceration shall be offered pregnancy tests and, if pregnancy results, such victim will receive timely and comprehensive information about, and timely access to, all pregnancy-related medical services.
  - c. A mental health evaluation will be offered to any identified inmate-on-inmate abusers within 60 days of learning of such abuse history and, as appropriate, the abuser will be offered treatment.

**L. CONFIDENTIALITY OF RECORDS:**

No employee, volunteer, or contractor may knowingly disclose any information pursuant a sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment to any person other except as permitted by law. The release of any information identifying any PREA or other sexual battery or sexual abuse victims in the custody of the Department shall not be printed, published, or broadcasted unless a court determines that such information is no longer confidential and exempt pursuant to section 92.56, F.S., or other applicable law.

**M. PREA COORDINATOR AND COMPLIANCE MANAGERS:**

The Office of Institutions, specifically through the PREA Coordinator and Compliance Managers, is responsible for the administration of the PREA compliance program.

**(1) PREA Coordinator:**

The PREA Coordinator for FDC will be responsible for the coordination of the activities related to the PREA compliance program and ensures that the implementation of terms and conditions of the contracts with service providers for PREA audits in major institutions and Community Release Centers.

**(2) Compliance Manager:**

The Compliance Manager at the Parent Facility is responsible for the compliance program at the facility under the advice of the PREA Coordinator. The Facility Director will ensure there is a designated staff member at their facility to keep abreast of all updates and revisions to PREA guidelines as it relates to contracted facilities and in accordance with FDC Procedure 602.053 and any applicable policies.



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Lori Costantino-Brown, President