

Hernando County Sheriff's Office

General Order

7040.25 - Prison Rape Elimination Act (PREA)


Number - - Series:	7000 – Detention		
Effective Date:	08-27-2010	Pages:	With attachments:
New <input type="checkbox"/>	Revised <input checked="" type="checkbox"/> Date: 10-04-23	Rescinded <input type="checkbox"/>	Date:
Approved Date:	12-15-2023	Sheriff's Approval: Digital	
Distribution:	All Personnel		
Revision Log:	08-27-2010 – New 10-04-2023 – Updates throughout		
Index As:	- PREA		
Statutory and Other Reference:	- State and Federal Statutes: Prison Rape Elimination Act (PREA) of 2003 - Public Law 108-79 - Florida Administrative Code: Chapter 33-602		
Review Frequency:	Annually		
Last Review Date:	10-04-2023	Next Review Due Date:	10/2024

TABLE OF CONTENTS:

- A. INMATE ORIENTATION**
- B. SCREENING FOR RISK**
- C. CLASSIFICATION**
- D. INMATE EDUCATION**
- E. INMATES WITH DISABILITIES AND INMATES WHO ARE LIMITED ENGLISH PROFICIENT (LEP)**
- F. CROSS GENDER SEARCHES AND VIEWING**
- G. JUVENILE INMATES**
- H. REPORTING SEXUAL ABUSE/SEXUAL HARASSMENT**
- I. STAFF RESPONSE TO ALLEGATIONS**
- J. REPORTING VIA GRIEVANCE**
- K. REPORTING TO OTHER CONFINEMENT FACILITIES**
- L. INVESTIGATON**
- M. DISCIPLINE**
- N. EVIDENCE PROTOCOL AND FORENCIS MEDICAL EXAMS**
- O. MEDICAL AND MENTAL HEALTH SERVICES**
- P. RETALIATION MONITORING**
- Q. REPORTING TO INMATES**
- R. INCIDENT REVIEW TEAM**
- S. CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES**
- T. EMPLOYEE TRAINING**
- U. VOLUNTEER AND CONTRACTOR TRAINING**
- V. SPECIALIZED TRIANING: INVESTIGATIONS**
- W. SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE**
- X. DATA COLLECTION**
- Y. DATA REVIEW FOR CORRECTIVE ACTION**
- Z. PREA COORDINATOR**
 - AA. HIRING AND PROMOTION DECISIONS**
 - BB. STAFFING PLAN**
 - CC. VIDEO TECHNOLOGY**
 - DD. MEDIA**
 - EE. NOT APPLICABLE TO THE AGENCY**

I. PURPOSE:

The purpose of this policy is to establish procedures in accordance with the Prison Rape Elimination Act (PREA) standards for the detection, prevention, elimination, reduction, response and prosecution of perpetrators of sexual abuse/harassment of inmates; to address the safety and treatment needs of any inmates who have been a victim of a sexual act; and to discipline and prosecute those who perpetrate these acts upon inmates.

II. SCOPE:

This directive applies to all Hernando County Sheriff's Office Detention Center personnel.

III. POLICY: [115.11 (a)]

The Hernando County Sheriff's Office Detention Center has established standards defined by the Prison Rape Elimination Act of 2003. These standards are established for the reduction and punishment of sexual abuse of inmates; to address the safety and treatment needs of inmates who have been a victim of a sexual act; and to discipline and prosecute those who perpetrate these acts upon inmates. The Hernando County Detention Center mandates zero tolerance towards all forms of sexual abuse and sexual harassment in the facility.

Sexual conduct between staff and inmates; among inmates; or between volunteers, contracted personnel, official visitors, and inmates regardless of consensual status, is prohibited and subject to administrative and/or criminal disciplinary sanctions. The Hernando County Detention Center shall make every effort to provide all staff, volunteers, contractors, official visitors, and inmates a safe and secure environment, free from the threat of sexual abuse/harassment.

All allegations of sexual assault/abuse shall be reported promptly and investigated thoroughly. [FCAC 30.01 M]

This policy shall stand as the written facility plan to coordinate actions taken in response to an incident of sexual abuse, among members to include first responders, medical and mental health practitioners, investigators and facility leadership [115.65].

IV. DEFINITIONS

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency (Sheriff).

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

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of the inmate.

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

Exigent circumstances means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility or prevent harm to inmates or staff.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility (Jail Administrator).

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

Inmate means any person incarcerated or detained in a prison or jail.

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.

Inspector is a qualified law enforcement officer who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to 115.34. [115.71 (b)]

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

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

1. Under the control of a law enforcement, court, or custodial officer; and
2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her

professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

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

PREA Coordinator (Administrative Sergeant) is designated to develop, implement, and oversee the agencies efforts to comply with PREA standards. He/she must provide supervisory oversight to all employees ensuring coordination in the prevention, detection, intervention, investigation, and discipline/prosecution of sexual abuse as specified in this policy.

PREA Hotline The PREA hotline is a toll free confidential telephone number which is posted publically and in each housing unit and is available for inmates, staff, and the public to report sexual abuse and sexual harassment.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual Abuse:

1. Sexual abuse of an inmate, detainee, or resident by another inmate and
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate 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:

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

Sexual abuse of an inmate 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, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to 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, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment:

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, detainee, or resident directed toward another; and
2. 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.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

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

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.

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.

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

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident 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.

V. **PROCEDURE:**

It is the objective of the Hernando County Detention Center to be in full compliance with all applicable standards of the Prison Rape Elimination Act (PREA).

A. **INMATE ORIENTATION:**

1. Inmate orientation begins in Booking during the admissions process. While in Booking, deputies/technicians inform inmates verbally and through written material via the *PREA Pamphlet* of the Hernando County Detention Centers zero tolerance policy regarding sexual abuse and sexual harassment. The pamphlet includes information for reporting incidents or suspicions of sexual abuse and sexual harassment. The Inmates will acknowledge that they have received the material by signing the *PREA Compliance Acknowledgement* form. The form shall be maintained in the inmate's classification file [115.33 (a)].
2. While in Booking, inmates are informed how to access the information and rules in the Inmate Handbook. The Inmate Handbook is available in English and Spanish on the Mail Guard kiosk or through an electronic request submitted to the Programs Deputy. The Inmate Handbook and *PREA Pamphlet* will include a written explanation of the following: [FCAC 30.03 M]
 - a. How to report incidents or suspicions of sexual abuse and sexual harassment.
 - b. Information regarding the toll free confidential hotline which is used only for reporting sexual abuse and sexual harassment.
 - c. Sexual abuse and sexual harassment prevention, intervention, self-protection, reporting, confidentiality of information, and how to receive treatment and counseling.

B. SCREENING FOR RISK: [FCAC 30.02 M]

1. The Hernando County Detention Center ensures that all inmates are screened to assess their risk of being sexually abused by other inmates and/or their risk of being sexually abusive toward other inmates at the following times [115.41 (a)]:
 - a. Initial intake/classification – New inmate intakes are screened for risk within 24 hours of arrival to the facility. The risk screening is conducted alongside the medical intake [115.41 (b)].
 - b. Upon transfer to another facility, the release deputy will have the inmate complete the transfer portion of the PREA Questionnaire [115.41 (a)]. If the inmate indicates a change since the initial assessment, the deputy shall complete a PREA Investigation Packet and forward the packet to the Detention Center Inspector.
2. The Hernando County Detention Center ensures that medical staff members and Classification Unit Deputies who are screening inmates are provided with an objective written screening instrument title *PREA Questionnaire* [115.41 (c)].
 - a. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness [115.41 (d)]:
 - What is the age of the detainee (date of birth)?
 - Does the detainee have an obvious mental, physical, or developmental disability?
 - Does the detainee have a small physical stature (males only 5’6” or less and/or 140lbs or less)?
 - Is the detainee a male who is overtly effeminate, or a female who is overtly masculine in appearance?
 - Is the detainee perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming?
 - Do you feel that you are vulnerable to sexual victimization?
 - Have you previously experienced sexual victimization?
 - Do you have a history of sexually predatory behavior?
 - b. The following criteria shall be used to assess an inmates risk for being sexually abusive and is completed by Classification staff. [115.41 (e)]:
 - Has the inmate been previously incarcerated?
 - Does the inmate have a history of institutional violence?

- Is the inmate's criminal history exclusively nonviolent?
 - Does the inmate have prior convictions for sex offenses against an adult or child?
 - Is the inmate being detained solely for civil immigration purposes?
3. Inmates shall not be disciplined for refusing to answer or for not disclosing complete information in section (a) above in responses to questions asked during the risk assessments [115.41 (h)].
 4. The Detention Center shall use all the information from the risk screening/PREA Questionnaire to determine housing and bed location, 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 [115.42 (a)]. The agency shall make individual determinations about how to ensure the safety of each inmate [115.42 (b)].
 5. The Hernando County Detention Center implements appropriate controls on the dissemination within the facility of responses to questions asked pursuant to risk screenings to ensure privacy of sensitive information that may be used for exploitation by staff or other inmates [115.41 (i)].

The *PREA Questionnaire* is sent to the Classification Unit and kept in the inmate's Classification file.

6. If the initial intake screening indicates that an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow up meeting with a medical or mental health practitioner within 14 days of the intake screening [115.81 (a and c)].

If an inmate answers yes to being sexually abused or sexually abusive the intake medical staff initiates a mental health referral.

7. Within 30 days from the inmate's arrival at the Detention Center, the inmate's risk of victimization or abusiveness shall be reassessed based upon any additional relevant information received by the facility since the intake screening [115.41 (f)].
 - a. The Classification Unit will reassess all inmates within 30 days from their arrival at the facility by using the *PREA Questionnaire Re-assessment*. The reassessment is kept in the inmates Classification file.
 - b. If there is any indication that sexual abuse or harassment occurred within the facility an investigation will be initiated.
8. An inmate's risk level shall be reassessed when warranted due to a referral, request, or incident of sexual abuse or sexual harassment or receipt of any additional information that bears on the inmate's risk of sexual victimization or abusiveness [115.41 (g)]. The

PREA Inspector shall complete the *PREA Questionnaire Re-assessment* anytime an investigation is conducted.

C. CLASSIFICATION:

1. The Detention Center shall make the decision to assign a transgender or intersex inmate to a male or female housing unit and programming assignments on a case by case basis. Such placement considerations should ensure the inmate's health and safety and prevent management and security issues [115.42 (c)]
2. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice per year to review any threats to safety experienced by the inmate [115.42 (d)].
3. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration [115.42 (e)].
4. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates, upon request. [115.42 (f)]. If a transgender and intersex inmate requests to shower separately, the inmate shall be escorted to medical to shower.
5. The Detention Center shall not place lesbian, gay, bisexual, transgender or intersex inmates in dedicated units solely on the basis of such identification or status, unless such placement is in a dedicated unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates [115.42 (g)].
6. 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, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while conducting the assessment [115.43 (a)]. The Detention Center shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed 30 days [115.43 (c)].
7. Inmates placed in segregated housing in accordance with section 6 above, shall have access to programs, privileges, education, and work opportunities to the extent possible, if restricted it must be documented in JMS with the following [115.43 (b)]:
 - a. The opportunities that have been limited.
 - b. The duration of the limitation.
 - c. The reason for the limitation.
8. If the inmate is placed involuntarily in segregated housing, the documentation must include [115.43 (d)]:

- a. The basis for the facilities concern for the inmate's safety.
 - b. The reason why no alternative means of separation can be arranged
9. Every seven days the Detention Center conducts a Reclassification meeting during which segregated inmates are reassessed to determine if a continuing need for separation from the general population is warranted [115.43 (e)].
10. When the Detention Center learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate [115.62]. An incident report shall be initiated when such information is received.

D. INMATE EDUCATION:

1. The Hernando County Detention Center provides comprehensive education to all inmates within 30 days following the intake process [115.33 (b)]. Inmate education is continuously and readily available in multiple formats including for those inmates who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as inmates who have limited reading skills [115.33 (d)]. Educational formats include videos, posters, inmate handbooks, kiosks, and information stations in each of the housing units [115.33 (f)].

The comprehensive education for inmates will include at a minimum [115.33 (b)]:

- a. An inmates' rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents.
 - b. Agency sexual abuse response policies and procedures.
2. The PREA Video plays in each housing unit throughout the facility. Shift commanders shall document once each shift in Guardian RFID that the video has played.
3. Inmates will acknowledge that they have viewed the PREA video and received inmate education by signing the *PREA Video* form on the Mail Guard kiosk. The Hernando County Detention Center maintains documentation of inmate participation in these education sessions [115.33 (e)].

E. INMATES WITH DISABILITIES AND INMATES WHO ARE LIMITED ENGLISH PROFICIENT (LEP): [115.16 (a-c)]

1. The Hernando County Detention Center shall take appropriate steps to ensure that inmates with disabilities or inmates who are Limited English Proficient (LEP) have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment in accordance with Title II of the Americans with Disabilities Act, 42 U.S.C. Provisions will be accommodated by the PREA Coordinator and documented in the inmate's custody record. The following will be available but not limited to:
- a. Interpreter services for the deaf or hard of hearing inmates;

- b. Interpreter services for Non-English speaking inmates; and
 - c. Reading of the material, by staff, to inmates.
2. Booking supervisors will notify the PREA Coordinator (via e-mail) of any disabled (deaf or hard of hearing, blind or low vision, cognitive or physical disabilities, etc.) or LEP inmates who enter the facility.
 3. At no time will inmate interpreters be used by any staff member to interpret or translate the report of sexual abuse, except in circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first response duties under 115.64 or the investigation of the inmate's allegations.

F. CROSS GENDER SEARCHES AND VIEWING:

1. Deputies will receive training on how to conduct cross-gender, transgender and intersex pat down searches, in a professional and respectful manner, and the least intrusive manner possible, consistent with security needs [115.15 (f)].
2. Deputies will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate or by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner [115.15 (e)].
3. Except in the case of an emergency or other exigent circumstances, the Hernando County Detention Center *prohibits* cross-gender strip searches. The Hernando County Detention Center *restricts* cross-gender pat searches.

A male deputy may not conduct a pat-down search on a female inmate unless the inmate presents an immediate risk of harm to herself or others and a female deputy is not available to do the search.

4. Any cross-gender strip searches or cross-gender pat searches will be documented in an incident report in JMS [115.15 (a-c)].
5. Only a physician can conduct body cavity searches (refer to Detention Division Directive 7050.11 - *Body Cavity, Strip Searches and Visual Inspections*) [115.15 (a)].
6. The Hernando County Detention Center restricts cross-gender viewing of inmates showering, performing bodily functions, and changing clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine checks [115.15 (d)]. In the event of an emergency or exigent circumstance of cross-gender viewing, the incident will be documented in an incident report in JMS.
7. When staff of the opposite gender enters into a housing pod or cell they shall announce their presence, when entering, to the inmates in that housing area [115.15 (d)].

G. JUVENILE INMATES:

1. Juvenile inmates shall not be placed in housing units where the juvenile inmate will have sight, sound or physical contact with any adult inmates through the use of a shared dayroom or other common space, shower area or sleeping quarters [115.14 (a)].
2. In areas outside of the housing unit sight, sound and physical contact separation between juvenile and adult inmates will be maintained or, in cases where separation is not possible, direct staff supervision will be provided [115.14 (b)].
3. The Detention Center shall make its best effort to avoid placing juvenile inmates in isolation to comply with this PREA standards. Juvenile inmates shall not be denied daily large muscle exercise and any legally required special education services. Juvenile inmates shall have access to other programs and work opportunities to the extent possible [115.14 (c)].

Any exigent circumstances denying juvenile inmates large muscle exercise, legally required education services or programs, and work opportunities will be documented in JMS.

H. REPORTING SEXUAL ABUSE/SEXUAL HARASSMENT: [FCAC 30.01 M]

1. Inmates are provided multiple avenues to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to include [115.51 (a)]:
 - a. Any staff member, contractor, or volunteer of the Hernando County Detention Center will accept reports made verbally, in writing, anonymously, or from a third party. [115.51 (c)].
 - b. The PREA hotline is a toll free confidential telephone number available for inmates, staff, and the public (including third parties) to report sexual abuse and sexual harassment. The PREA Hotline is monitored by Northern Communications who receives and immediately forwards reports of sexual abuse and sexual harassment to Detention Center administrators and the Inspector. Northern Communications is tasked with answering calls promptly and to handle them in a timely and confidential manner allowing the inmate to remain anonymous upon request [115.51 (b and d)]. Information on how to contact the PREA Hotline can be viewed through posters in each housing unit, information stations, Mail Guard kiosks, Inmate Handbook, and the agencies website. Misuse of the PREA hotline may result in disciplinary action.
 - c. Inmates detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and officials at the Department of Homeland Security [115.51 (b)].

2. Information on how to report sexual abuse and sexual harassment to the PREA hotline on behalf of an inmate is provided on the Hernando County Detention Center website [115.54].
3. All staff shall report immediately to a supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Retaliation against inmates or staff who reported such an incident and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation [115.61 (a)].
4. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in the Detention Center policy, to make treatment, investigation, and other security and management decisions [115.61 (b)].
5. Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (3) of this section and to inform inmates of the practitioner's duty to report and the limitations of confidentiality at the initiation of services [115.61 (c)].
6. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, the Detention Center shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws [115.61 (d)].
7. The Hernando County Detention Center shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's designated investigator [115.61 (e)].

I. STAFF RESPONSE TO ALLEGATIONS [115.65]:

1. When staff becomes aware of an allegation that an inmate was sexually abused they will proceed with the following directions [115.64 (a)]:
 - a. Immediately separate the alleged victim, abuser, and any witnesses [115.64 (a,1)].
 - b. Notify the shift supervisor.
 - c. Notify medical and request response to assess the victim for any potential medical or mental health needs.
 - d. Attempt to identify the location where the alleged crime took place, secure and preserve the crime scene, and gather all other pertinent information [115.64 (a, 2)].
 - e. If the abuse occurred within a time period that still allows for the collection of physical evidence, *request* that the **alleged victim** and *ensure* that the **alleged abuser** not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating,

smoking, drinking, or eating, until cleared by the Hernando County Detention Center Inspector/or designee [115.64 (a, 3 - 4)].

- f. The shift commander will notify the Operations Lieutenant who will notify the Hernando County Detention Center Inspector/or designee to begin the investigation process.
 - g. Complete an incident report in JMS and the PREA Investigation Packet prior to the end of shift.
 - The retaliation monitoring portion of the PREA Investigation Packet shall be completed and sent to Classification for discussion and review during the weekly Re-Classification meetings.
 - The inmates shall be placed on PREA Retaliation Monitoring Special Status in Guardian RFID. This is to ensure that any staff member who has scanned the inmate's ID will have knowledge that they are on the retaliation monitoring watch list.
2. Any civilian staff member who is notified of sexual abuse or sexual harassment will request that the alleged victim not take any action that could destroy physical evidence and then notify the shift supervisor [115.64 (b)].

J. REPORTING VIA GRIEVANCE:

1. The Detention Center does not impose a time limit for an inmate to submit a grievance regarding an allegation of sexual abuse however time limits shall apply to any portion that does not allege an incident of sexual abuse, see Standard Operating Procedure 7055.08 - *Grievance Procedures* [115.52 (b, 1-2)].
2. An inmate who alleges sexual abuse may submit a grievance without submitting it to the staff member who is the subject of the complaint and such grievance are not referred to the staff member who is the subject of the complaint [115.52 (c,1-2)]. The Detention Center does not require an inmate to use any informal grievance process or to otherwise attempt to resolve the alleged incident with staff [115.52 (b, 3)]. Throughout the facility and in the Inmate Handbook the inmate can locate toll free numbers to the hotline to report all allegations and maintain anonymity. All allegations of sexual abuse or harassment will be investigated.
3. The Detention Center issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance [115.52 (d, 1)]. Computation of the 90 day time period does not include time consumed by inmates in preparing any administrative appeal [115.52 (d, 2)]. The agency may claim an extension of up to 70 days to respond if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made [115.52 (d, 3)].

4. At any level of the administrative process, including the final level, if the inmate does not receive a response within the allotted time to reply, including any properly noticed extension, the inmate may consider the absence of a response to be denial at that level [115.52 (d, 4)].
5. Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates [115.52 (e, 1)].
6. If a third party files such a request on behalf of any inmate, the facility has the right to require, as a condition of processing the request, that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process [115.52 (e, 2)].
7. If the inmate declines to have the request processed on his/her behalf, the Detention Center Inspector shall document the inmate's decision [115.52 (e, 3)].
8. Nothing in section 115.52b shall restrict the Detention Center's ability to defend against an inmate lawsuit on the grounds that the applicable statute of limitations has expired [115.52 b, 4].
9. When a grievance is received and implies that an inmate is at substantial risk of imminent sexual abuse the supervisor who receives the grievance shall provide immediate corrective action and start an investigation within 12 hours from the receipt of the grievance and notify the Detention Center Inspector. The Detention Center shall issue a final agency decision within 3 calendar days. The initial response and final decision documents the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. [115.52 (f)]. The agency will notify the inmate in writing if an extension is needed and provide a date by which a decision will be made. The extension shall never exceed the PREA limitations of 48 hours response and 5 calendar days for the agencies final decision.
10. The agency shall discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith [115.52 (g)].

K. REPORTING TO OTHER CONFINEMENT FACILITIES (115.63):

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Jail Administrator or designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse had occurred within 72 hours. The Jail Administrator or designee shall then document the incident in a report including who the incident was reported to at the offending facility. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

L. INVESTIGATION: [FCAC 30.01 M]

- 1.** The Hernando County Detention Center shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment [115.22 (a)]. The Hernando County Detention Center is responsible for investigating all allegations of sexual abuse or sexual harassment. [115.22 (b)].
- 2.** When sexual abuse is alleged, the agency will use investigators who have received special training in sexual abuse investigations pursuant to 115.34 [115.71 (b)]. For the purpose of this section, the Detention Center Inspector is a qualified law enforcement officer who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
- 3.** The Hernando County Detention Center conducts its own investigations into allegations of sexual abuse and sexual harassment, promptly, thoroughly and objectively for all allegations including third party and anonymous reports [115.71 (a)]. In the event that the Detention Inspector is not available to complete the investigation a request shall be made to the Hernando County Sheriff's Office for another investigator [115.22 (b)]. When an investigator is responding to a sexual abuse allegation it is to be confirmed that he/she has received special training in sexual abuse investigations pursuant to 115.34.
 - a.** When the Inspector arrives at the facility for an allegation of sexual abuse, the shift supervisor or designee will brief them on the situation.
 - b.** In the event the Inspector determines a forensic assault exam is needed, the Inspector will notify the Communications Center who will contact the local certified rape crisis center (Dawn Center). The Dawn Center will provide the nurse examiner and the victim advocate. The Detention Center will transport the alleged victim for examination.
 - c.** The transport deputy will maintain custody, control, and security of the inmate when being evaluated.
 - d.** Restraints will be used. (Except where prohibited by FS 944.241 and Standard Operating Procedure 7050.28 – *Use of Physical Restraining Devices*).
 - e.** Upon return, the transport deputy will notify the Operations lieutenant or designee.
 - f.** The Director of Medical Services or designee will assess the inmate and recommend housing.
 - g.** The Operations lieutenant or designee will determine appropriate housing based on the Director of Medical Services or designee's recommendation and any other relevant factors. Any use of segregated housing to protect an inmate who is alleged to have suffered from sexual abuse is subject to the requirements of 115.43 and Standing Operating Procedure 7095.01 – *Segregation Housing* [115.68].

4. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. The Inspector/or designee shall interview alleged victims, suspected perpetrators and witnesses. The Inspector/or designee shall review prior complaints and reports of sexual abuse involving the suspected perpetrator [115.71 (c)].
5. When the quality of evidence appears to support criminal prosecution the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution [115.71 (d)].
6. The credibility of an alleged victim, suspect or witness shall be assessed based on an individual basis and shall not be determined by the person's status as inmate or staff. Furthermore, no agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such allegation [115.71 (e)].
7. The departure of the alleged aggressor or victim from the employment or control of the facility shall not provide a basis for terminating an investigation [115.71 (j)].
8. When outside agencies investigate sexual abuse, the Hernando County Detention Center shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation [115.71 (l)].
9. All administrative investigations 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 and shall include an effort to determine whether staff actions or failures to act contributed to the abuse [115.71 (f)].
10. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible [115.71 (g)]. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution [115.71 (h)].
11. The agency shall retain all written criminal and administrative investigations and reports for as long as the alleged abuser is incarcerated or employed by the agency plus five years [115.71 (i)].
12. Any state entity or Department of Justice component that conducts investigations of sexual abuse and sexual harassment allegations in the facility shall do so [117.71 (k)].
13. The agency shall impose no standard higher than the preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated [115.72].

M. DISCIPLINE:

1. Disciplinary sanctions for inmates:

- a.** Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in an inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse [115.78 (a)].
- b.** Sanctions shall commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories [115.78(b)].
- c.** The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed [115.78(c)].
- d.** The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact [115.78(e)].
- e.** For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident even if an investigation does not establish evidence sufficient to substantiate the allegation [115.78(f)].
- f.** The Detention Center prohibits all sexual activity between inmates and may discipline inmates for such activity. The Detention Center does not, however, deem such activity to constitute sexual abuse if it is determined that the activity is not coerced [115.78 (g)].

2. Disciplinary sanctions for staff:

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

3. Corrective action for contractors and volunteers:

- a. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and shall be reported to law enforcement agencies and relevant licensing bodies, unless the act was clearly not criminal [115.77(a)].
- b. In the case of any other violation of the Detention Center's sexual abuse and sexual harassment policies by a contractor or volunteer, the Detention Center will take appropriate remedial measures and considers whether to prohibit further contact with inmates [115.77 (b)].

N. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMS:

1. All reports of sexual abuse and sexual harassment shall be investigated by the Hernando County Sheriff's Office. The agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions [115.21 (a)].
2. The protocol shall be developmentally appropriate for youth where applicable and as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women Publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 [115.21 (b)].
3. The Hernando County Detention Center offers victims of sexually abusive penetration access to a forensic medical exam, without financial cost, where evidentiary or medically appropriate. The examination shall be conducted by a Sexual Assault Forensic Examiners (SAFE) or a Sexual Assault Nurse Examiner (SANE) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified forensic medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs [115.21 (c)].
4. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews. This service shall also provide emotional support, crisis intervention information, and referrals [115.21 (e)].
5. The Hernando County Sheriff's Office Detention Center has entered into a Memorandum of Understanding (MOU) with the Dawn Center of Hernando County, a community service provider, that is able to provide inmates with confidential emotional support services related to sexual abuse. The Hernando County Detention Center maintains copies of agreements or documentation showing attempts to enter into such agreements [115.53 (c)].
6. The Hernando County Detention Center provides inmates access to an outside victim advocate where they can receive emotional support services related to sexual abuse. The mailing address for the Dawn Center of Hernando County is P.O. Box 6179 Spring Hill, FL 34611. In addition, there are two telephone numbers for the Hernando County Dawn

Center (Office: 352- 686-8759; Hotline: 352-686-8430), these numbers are also posted throughout the facility and in each housing unit [115.21(d)]. In regards to persons detained solely for immigration purposes, immigrant service agency telephone numbers are available on the Mail Guard kiosk. The facility shall enable reasonable communication between inmates and these organizations and maintain confidentiality in all possible manners [115.53 (a)].

7. For the purposes of this section, a qualified agency staff member or a qualified community based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general [115.21 (h)].
8. The Detention Center shall inform inmates of the extent to which such communications shall be monitored and to the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws prior to giving the inmates access [115.53 (b)].

O. MEDICAL AND MENTAL HEALTH SERVICES:

1. Medical and mental health screening; history of sexual abuse:
 - a. As stated in section V.B.6 of this policy, all inmates who have disclosed prior sexual victimization or sexual abusiveness history, whether it occurred in an institutional setting or in the community, are referred to a mental health staff within 14 days of the intake screening. [115.81 a-c]
 - b. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical/mental health staff, Classification Unit and administration as necessary, to determine treatment plans and security and management decisions, including housing, bed, work, education, and program assignments or as otherwise required by Federal, State or local law [115.81 (d)].
 - c. Medical/mental health staff shall 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 18 [115.81 (e)].
2. Access to emergency medical and mental health services:
 - a. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are to be determined by medical and mental health practitioners according to their professional judgment [115.82 (a)].

Medical/mental health staff maintain medical documents in CorrTek

- b. Medical staff is on duty at the facility 24 hours a day. Detention Center's first responders shall take the preliminary steps to protect victims of abuse in

accordance to 115.62, and shall immediately notify the appropriate medical and/or mental health staff [115.82 (b)].

- c. Inmate victims of sexual abuse while incarcerated shall be offered timely information and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate [115.82 (c)].
- d. All treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident [115.82 (d)].

3. Ongoing medical and mental health care for sexual abuse victims and abusers:

- a. The Detention Center shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility [115.83 (a)].
- b. The evaluation and treatment of such victims shall include, as appropriate,
 - Follow up services
 - Treatment plans, and
 - When necessary, referrals for continued care following their transfer to or placement into other facilities, or their release from custody [115.83 (b)].
- c. The Detention Center shall provide such victims with medical and mental health services consistent with the community level of care [115.83 (c)].
- d. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests [115.83 (d)].
- e. If pregnancy results from sexual abuse the victim shall receive timely and comprehensive information and timely access to all lawful pregnancy related medical services [115.83 (e)].
- f. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate [115.83(f)].
- g. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident [115.83 (g)].

P. RETALIATION MONITORING:

- 1. Sexual abuse and sexual harassment victims, witness, and perpetrators shall be free from

inmate's ID will have knowledge that they are on the retaliation monitoring watch list. [115.67 (d)].

6. The Detention Center shall take appropriate measures to protect any other individual who cooperates with an investigation and expresses a fear of retaliation [115.67 (e)].
7. The Detention Center's obligation to monitor will be terminated if the agency determines that the allegation is unfounded [115.67 (f)].
8. Guardian RFID Special Status will be removed by the PREA Inspector once the 90 day monitoring has been completed or the investigation was unfounded.

Q. REPORTING TO INMATES:

1. Following an investigation into an inmate's allegation that he or she has suffered sexual abuse in the Detention Center, the Detention Center shall inform the inmate as to whether the allegation has been substantiated, unsubstantiated or unfounded [115.73 (a)].
2. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate, unless the allegation is unfounded, whenever [115.73 (c)]:
 - 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 agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
 - d. The agency 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 agency shall subsequently inform the alleged victim whenever [115.73 (d)]:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications are documented by the PREA Inspector in the PREA Investigation Packet and investigative report. [115.73 (e)].
5. The agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody [115.73 (f)].

R. INCIDENT REVIEW TEAM:

1. The Detention Center shall conduct an incident review within 30 days of the conclusion of every sexual abuse or sexual harassment investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded [115.86 (a, b)].
2. The review team shall include upper level management officials, with input from line supervisors, investigators and medical or mental healthcare professionals [115.86 (c)].
3. The review team shall [115.86 (d)]:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse and sexual assault.
 - b. Consider whether the incident or allegation was motivated by race, ethnicity, sexuality, sexual identity, sexual status or perceived status, gang affiliation, or was motivated by other group dynamics.
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
 - d. Assess the adequacy of staffing levels in that area during different shifts.
 - e. Assess whether monitoring technology should be deployed or augmented to supplement staff supervision.
 - f. Prepare a report of the incident review team's findings including, but not limited to, determinations made pursuant to the proceeding paragraphs of this section, and any recommendations for improvement and submit such report to the Jail Administrator and PREA Coordinator.
4. The Hernando County Detention Center shall implement the recommendations for improvement, or shall document its reasons for not doing so [115.86 (e)].

S. CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES [115.12]:

1. If the Hernando County Detention Center finds it necessary to enter into contracts for the confinement of inmates with private agencies or other entities, including other government agencies, it shall include in any new contract or contract renewal the entity's obligation to adopt and comply with PREA standards.
2. Any new contract or contract renewal shall require the agency to monitor the contractor's compliance with the PREA standards.

T. EMPLOYEE TRAINING:

1. All employees shall receive training necessary to fulfill their responsibilities in the prevention, detection, and response to inmate sexual abuse allegations. PREA training shall be included in the Detention Center FTO Program and completed within 30 days of issuance. Refresher training is mandatory and provided on an annual basis [115.31 (c)]. All training shall be documented. Deputies shall be trained to comply with standards, to supervise all genders, and to properly handle any allegation made from the inmate population [115.31(b)].
2. Training courses at a minimum will include the following [115.31(a)]:
 - a. Zero tolerance policy for sexual abuse and sexual harassment.
 - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - c. An inmates' right to be free from sexual abuse and sexual harassment.
 - d. The right of inmates and employees to be free from retaliation from reporting sexual abuse and sexual harassment.
 - e. The dynamics of sexual abuse and sexual harassment in confinement.
 - f. The common reactions of sexual abuse and sexual harassment victims.
 - g. How to detect and respond to signs of threatened and actual sexual abuse.
 - h. How to avoid inappropriate relationships with inmates.
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - k. Medical and mental health duties.
 - l. Initial contact/securing the crime scene.
3. All employees shall verify through electronic signature that they understand the training they have received. [115.31 (d)].

U. VOLUNTEER, CONTRACTOR, OFFICIAL VISITOR TRAINING:

1. The Hernando County Detention Center shall ensure that all volunteers, contractors, and official visitors 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 [115.32 (a)].

Contractors, volunteers, and official visitors are required to sign the form *Guide on Sexual Abuse/Harassment Prevention, Detection and Response for Volunteer, Contractors, and Official Visitors* before entering the facility.

2. The Hernando County Detention Center shall tailor training for volunteers and contractors based on the services they provide and the level of contact they have with inmates. At a minimum all volunteers and contractors shall receive training in the following areas [115.32 (b)]:
 - a. The Hernando County Detention Center zero tolerance policy for sexual abuse and sexual harassment.
 - b. Sexual abuse and sexual harassment reporting duties.
 - c. How to report sexual abuse to security staff and/or other parties, when appropriate.
3. The Hernando County Detention Center shall ensure that all training courses developed for the training of volunteers and contractors in relationship to PREA require the individual receiving training to sign documentation stating that they understand the training that they have received [115.32 (c)].
4. Physical or electronic signatures of individuals indicating that they understand the training and will be maintained for review during PREA Standard Inspections.

V. SPECIALIZED TRAINING: INVESTIGATIONS:

1. To ensure compliance with the standards of PREA, inspectors for the Hernando County Detention Center shall receive training in conducting sexual abuse investigations in a confinement setting [115.34 (a)].
2. The specialized training for inspectors shall include the following areas [115.34 (b)]:
 - a. Techniques for interviewing sexual abuse victims.
 - b. Proper use of Miranda and Garrity warnings.
 - c. Sexual abuse evidence collection in confinement settings.
 - d. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. The Hernando County Detention Center shall maintain written verification that agency inspectors have completed specialized training in conducting sexual abuse investigations [115.34 (c)].

W. SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE:

1. Medical and mental health staff shall receive additional training related to PREA in the following areas [115.35 (a)]:
 - a. How to detect and assess signs of sexual abuse and sexual harassment.

- b.** How to preserve physical evidence prior of sexual abuse.
 - c.** How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - d.** How to and whom to report allegations or suspicions of sexual abuse and sexual harassment.
- 2.** The Hernando County Detention Center shall maintain written verification of all medical and mental health staff who have received specialized training in detecting, assessing, and responding to sexual abuse victims [115.35 (c)].
- 3.** Detention Center medical staff do not conduct forensic examinations [115.35 (b)]. The PREA Inspector shall make arrangements with the local certified rape crisis center (Dawn Center) for any inmates who need forensic examinations.
- 4.** Medical and mental health staff shall also receive the training mandated for employees under 115.31 or for contractors and volunteers under 115.32, depending upon the practitioner's status with the agency [115.35 (d)].

X. DATA COLLECTION:

- 1.** The PREA Inspector shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The incident based data collected shall include, at a minimum, the data necessary to answer all the questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice [115.87 (a, c)].
- 2.** The PREA Inspector shall aggregate the incident based sexual abuse data at least annually [115.87 (b)].
- 3.** The Detention Center shall maintain, review and collect data as needed from all available incident based documents including reports, investigation files, and sexual abuse incident reviews [115.87 (d)].
- 4.** Upon request, the Detention Center shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 [115.87 (f)].
- 5.** The Detention Center shall ensure that data collected pursuant to 115.87 is securely retained by the PREA Inspector [115.89 (a)].
 - a.** The data collected shall be compiled into an annual report and be approved by the Jail Administrator and made readily available to the public through the agencies website [115.89 (b)].
 - b.** Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers. [115.89 (c)].
 - c.** All reports must be reviewed by the agency's attorney prior to publication.

6. The Detention Center shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise [115.89 (d)].

Y. DATA REVIEW FOR CORRECTIVE ACTION:

1. The PREA Coordinator shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by [115.88 (a)]:
 - a. Identifying problem areas.
 - b. Taking corrective action on an ongoing basis.
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
2. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse [115.88 (b)].
3. The report shall be approved by the Sheriff and made readily available to the public through it's the Hernando County Detention Centers website [115.88 (c)].
4. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted [115.88 (d)].

Z. PREA COORDINATOR:

1. In an effort to comply with PREA standards, the Administrative sergeant shall be designated as the PREA Coordinator. The PREA Coordinator has direct access to the Jail Administrator for PREA related business.
2. The Administrative sergeant shall have sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards [115.11 (b)].
3. The PREA Coordinator's responsibilities shall include but are not limited to:
 - a. Develop written policies that follow correctional best practices and meets the intent of the PREA standards.
 - b. Oversee training plans that fulfill the PREA training requirements.
 - c. Monitor inmate screening procedures, investigations, medical and mental health care treatment according to the PREA standards.
 - d. Supervise the Hernando County Detention Center's data collection efforts and provide appropriate access and materials to auditors.

- e. To ensure compliance with Hernando County Sheriff's Office policy, procedures and PREA standards, the Detention Center Administrative sergeant shall, on an annual basis conduct an assessment of all aspects of the facilities operations to identify any deficiencies in regards to PREA. The Detention Center Administrative sergeant or designee shall ensure that signage regarding the Agency's zero-tolerance policy and Sexual Abuse Intervention Hotline is posted in all Housing Units.

AA. HIRING AND PROMOTION DECISIONS:

1. The Hernando County Detention Center shall not hire or promote anyone who may have contact with inmates and shall not enlist the services of any contractor who may have contact with inmates who [115.17(a)]:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (As defined in 42 U.S.C. 1997).
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse.
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 1, b, of this section.
2. The Hernando County Detention Center shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with inmates [115.17 (b)].
3. Before hiring new employees who may have contact with inmates, the Hernando County Sheriff's Office Human Resources Section shall [115.17 (c)]:
 - a. Perform a criminal background records check.
 - b. Consistent with Federal, State and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
4. Before enlisting the services of any contractor who may have contact with inmates, the Detention Center will perform a criminal background records check [115.17 (d)].
5. The Hernando County Detention Center has in place a system for capturing details on any arrests by utilizing the automatic response system in FCIC/NCIC. All information for current employees and volunteers shall immediately be forwarded via a FDLE hit to the Human Resources Section within the Sheriff's Office. This process is automatic due to all fingerprints being electronic [115.17 (e)].
6. The Hernando County Detention Center shall ask all applicants and employees who may have direct contact with inmates about previous misconduct described in

paragraph 1 of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees [115.17 (f)].

In addition to the Self Evaluation required per General Order 3003.00 – *Performance Evaluations*, Judicial Services Bureau members shall complete the PREA Self Evaluation Questionnaire [115.17 (f)].

7. The Detention Center shall also impose upon employees a continuing affirmative duty to disclose any such misconduct [115.17 (f)].
8. Material omissions regarding such misconduct or the provision of materially false information is grounds for termination [115.17 (g)].
9. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work [115.17 (h)].
10. No agreement shall be made that limits the agency'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.

BB. STAFFING PLAN:

1. The Hernando County Detention Center shall 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. In calculating adequate staffing levels and determining the need for video monitoring and shall take into consideration [115.13 (a)]:
 - a. Generally accepted detention and correctional practices.
 - b. Any judicial findings of inadequacy.
 - c. Any findings of inadequacy from Federal investigative agencies.
 - d. Any findings of inadequacy from internal or external oversight bodies.
 - e. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated).
 - f. The composition of the inmate population.
 - g. The number and placement of supervisory staff.
 - h. Institution programs occurring on a particular shift.

- i. Any applicable State or local laws, regulations, or standards.
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
 - k. Any other relevant factors.
2. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan [115.13 (b)].

Documentation of deviations will be conducted via memorandum by the shift command and submitted through the chain-of-command to the Jail Administrator and a courtesy copy sent to the PREA Coordinator.

3. Whenever necessary, but no less frequently than once each year the Jail Administrator in collaboration with the PREA Coordinator will assess, determine, and document whether adjustments are needed to the following [115.13 (c)]:
- a. The staffing plan established pursuant to paragraph (1) of this section.
 - b. The facility's deployment of video monitoring systems and other monitoring technologies.
 - c. The resources the facility has available to commit to ensure adherence to the staffing plan.
4. The Hernando County Detention Center shall have first line supervisors and higher level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These practices are implemented for night shifts as well as day shifts. Staff shall be prohibited from alerting other staff members that unannounced supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. [115.13 (d)]. Unannounced rounds shall be documented in Guardian RFID.

CC. VIDEO TECHNOLOGY:

1. The Hernando County Detention Center shall use video monitoring systems and other cost effective technology to supplement its sexual abuse, prevention, detection, and response efforts with high definition video cameras strategically located throughout the facility and on the grounds.
2. When designing or acquiring any new facility and in planning any substantial expansion or modification, of existing facilities, the Hernando County Detention Center shall consider the effect of the design, acquisition, expansion, or modification upon the Detention Center's ability to protect inmates from sexual abuse [115.18 (a)].
3. When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, the Hernando County Detention Center shall

consider how such technology will enhance the ability to protect inmates from sexual abuse [115.18 (b)].

DD. MEDIA:

Staff will refer all media inquiries to the public information officer.

EE. NOT APPLICABLE TO THE AGENCY:

115.11 (c) / 115.33 (c) - The Hernando County Detention Center does not operate more than one facility and has designated the Administrative Sergeant as the PREA compliance manager who is tasked with the coordination of the facility's efforts to comply with the PREA standards including inmate education.

115.15 (b) - This standard does not apply to the Hernando County Detention Center. The average daily population exceeds 50 inmates.

115.21 (f, g) / 115.22 (c-e) – The Hernando County Detention Center conducts its own investigations.

115.34 (d) - The Hernando County Detention center is not a state entity or Department of Justice component that conducts such investigations or shall do so pursuant the requirements stated in this policy. This standard does not apply to this facility.

115.66 (a, b) - There is no entity that has collective bargaining power over the Hernando County Detention Center.

115.73 (b) - The Hernando County Detention Center conducts its own investigations

115.78 (d) - The Hernando County Detention Center offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse, however, as a County facility we do not require for the offending inmate to participate in such interventions.

115.81 (b) – The Hernando County Detention Center is not a prison, This standard does not apply to our facility.

118.83 (h) - The Hernando County Detention Center is not a prison, This standard does not apply to our facility.

115.87 (e) - The Detention Center shall obtain incident based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

Signature on file

Al Nienhuis, Sheriff