



Escambia County Corrections Department

**Administrative Order**

Institutional Operations



E.C.C.D. - IO .028

**Subject: Sexual Abuse and Sexual Harassment Complaints**

Issue Date: **09/01/2020**

Revision Date: **09/01/2020**

Effective Date: **10/01/2020**

Distribution Code:  
**All Members**

Rescinds: **806.20, Chapter 5,  
Part 14.**

Review Responsibility:  
**Chief, Department  
Managers/Commanders,  
Accreditation**

Related Documents:

**ECCD Administrative Order IO.019, "Critical Event/Major Incident Reporting Procedures"**

**ECCD Administrative Order IO.027, "Prison Rape Elimination Act (PREA)"**

**ECCD Administrative Order IO.029, "Preservation of Evidence"**

**ECCD Administrative Order IS.005, 'Classification Plan,'**

**Section 943.0439, Florida Statutes**

**FCAC/NCCHC**

**FCAC: 30.01, 30.02, 30.03, 30.04**

**FMJS: 2.17**

**NCCHC: J-F-06**

**PREA: 115.11, 115.21, 115.33, 115.41, 115.64, 115.67, 115.71**

**POLICY:** Inmates will be provided verbal and written information during the admission and orientation process on how to access health services and the Escambia County Corrections Department (ECCD) zero tolerance policy towards sexual abuse and sexual harassment. The "Inmate Handbook" will be available in English and Spanish, and an interpreter will be provided for staff to communicate with non-English speaking inmates or inmates with disabilities in accordance with ECCD Administrative Order AM.008, "The Americans with Disabilities Act." Inmates with autism or an autism spectrum disorder will be interviewed in accordance with ECCD Administrative Order IS.003, "Interviews of Individuals with Autism or an Autism Spectrum Disorder."

All sexual abuse complaints or threats will be promptly reported and thoroughly investigated, regardless of the location where the alleged incident took place. Procedures have been implemented to ensure the safety and well-being of any inmate who reports sexual abuse or threat to any staff member. The Escambia County Corrections Department has adopted a ZERO tolerance policy toward inmate sexual abuse and sexual harassment. Any type of sexual misconduct (including consensual sex) between staff and inmates, volunteers or contract personnel and inmates is

prohibited and subject to administrative disciplinary sanctions and criminal arrest. Staff will be subject to disciplinary sanctions up to and including termination for violating department sexual abuse or sexual harassment policies. Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Signage regarding the department's zero-tolerance policy, reporting procedures, and local and national sexual abuse hotline numbers will be posted in housing units. The purpose of this policy is to establish guidelines for the elimination, prevention, detection and the reduction of sexual abuse, sexual harassment, and rape within the correctional setting. [FCAC 30.01] [NCCHC J-F-06.1]

The Department will ensure that all correctional supervisors who could potentially investigate an allegation of sexual abuse or sexual harassment attend PREA investigation training in accordance with PREA Standard 115.34.

The Department will protect all staff and inmates who report sexual abuse/sexual harassment or cooperate with investigations from retaliation in accordance with ECCD Administrative Order IO.027, "Prison Rape Elimination Act (PREA)."

While consensual sex between inmates is not considered sexual abuse, and not covered by PREA guidelines, it is against department policy and inmates involved will face disciplinary action in accordance with ECCD Administrative Order IO.007, "Inmate Discipline."

## **PROCEDURE:**

### **IO 28.1**

#### **Inmate Admission/Intake**

1. In accordance with ECCD Administrative Order IS.005, "Classification Plan," during the booking process, all inmates will be assessed during an intake screening and upon transfer to another ECCD facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. [PREA 115.41 (a)] [FCAC 30.02] [FMJS 2.17]
2. The Department will use information from the "Intake and Initial Assessment Screening Tool," (OP-52) pursuant to PREA standards 115.41 and 115.42 and ECCD Administrative Order IS.005, "Classification Plan." This assessment will be conducted to make housing, bed, work, education, and program assignments as part of the classification process with the goal of keeping separate high-risk victims and abusers. [PREA 115.42 (a)] [FCAC14.02 B]
3. While in Booking, inmates will be provided with PREA information explaining the Escambia County Corrections Department's zero tolerance policy and ways to report sexual abuse and sexual harassment on the "Intake and Initial Assessment Screening Tool," (OP-52).

## **IO 28.2**

### **Inmate Orientation / Education Process [FCAC 30.03] [FMJS 2.17] [PREA 115.33]**

1. During the orientation process, designated staff will communicate comprehensive PREA information verbally and in writing, in a manner that is clearly understood by the inmate(s) in accordance with ECCD Administrative Order IS.009, "Admission and Orientation."
2. The Escambia County Corrections Department will take reasonable steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, cognitively disabled, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity and meaningful access 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 ECCD Administrative Order AM.008, "Americans with Disabilities Act and Translation Services."

## **IO 28.3**

### **Signage**

The Division Commander or designee will ensure that signage regarding the department's zero-tolerance policy, reporting procedures, and local and national sexual abuse hotline numbers is posted in housing units, Infirmary, and Booking. Third party reporting procedures will be made available in facility lobbies, video visitation building, attorney visitation areas, and on the jail website.

## **IO 28.4**

### **Sexual Abuse Reported to Staff**

1. All inmates may report incidents of sexual abuse and/or sexual harassment in accordance with ECCD Administrative Order IO.027, "Prison Rape Elimination Act (PREA)."
2. When a staff member becomes aware of an alleged attempted sexual battery, they will:
  - a. Immediately notify the Shift Sergeant. The Shift Sergeant will notify the Shift OIC. [PREA 115.64 (b)]
  - b. Separate the alleged victim and abuser. [PREA 115.64 (a) (1)]
    - 1) Isolate the victim and place in protective custody segregation in accordance with ECCD Administrative Order IO.009, "Protective Custody Segregation" ensuring the inmate is in view of an officer at all times.

- 2) Isolate the alleged assailant(s), if known, and place in administrative confinement in accordance with ECCD Administrative Order IO.008, "Administrative/Special Management Confinement." The alleged assailant(s) are not questioned by Correctional staff.
  - c. Possible witness(es) are isolated and not questioned by Correctional staff.
  - d. Preserve and protect the crime scene. The Escambia County Corrections Department will follow a uniform evidence protocol that maximizes the potential for obtaining physical evidence for administrative proceedings and criminal prosecutions. Staff will attempt to identify the location where the alleged crime took place and secure the crime scene in accordance with ECCD Administrative Order IO.029, "Preservation of Evidence." Gather all other pertinent information. [PREA 115.21 (a); 115.64 (a) (2)]
  - e. If directed by a supervisor, initiate a critical event log in accordance with ECCD Administrative Order IO.019, "Critical Event/Major Incident Reporting Procedures." [PREA 115.71]
  - f. If the alleged abuse occurred within a time period that still allows for the collection of physical evidence, ensure the victim and the alleged perpetrator does not take actions that could destroy physical evidence such as washing/showering, brushing teeth, changing clothes, using the restroom, smoking, drinking, or eating, if possible, until cleared by the Escambia County Sheriff's Office or Shift OIC. [PREA 115.64 (a) (3-4), (b)]
3. The Shift OIC or higher-ranking authority will review video, if available, to determine whether the allegation can be conclusively refuted.
    - a. If video evidence conclusively refutes the allegation, the event will be documented as an informational report with any related video linked to the report in JMS. An email notification will be sent to the PREA Coordinator. No further action will be necessary.
    - b. If the video evidence cannot refute the allegation:
      - 1) Ensure that an incident report is completed. Notify the Shift Supervisor to document the incident as a Critical Event in JMS and follow through with the procedures outlined in this policy.
      - 2) Confirm the Escambia County Sheriff's Office was notified.
      - 3) Ensure notification and reporting procedures are initiated in accordance with ECCD Administrative Order IO.019, "Critical Event/Major Incident Reporting Procedures." [FCAC 11.04, 30.01]

- 4) Act as a liaison by communicating activities and information to the appropriate supervisory staff.
  - 5) **The Shift OIC will not make the determination of the finding of the incident unless it can be refuted through video evidence.** All other findings will come from the Internal Affairs Unit.
  - 6) Once all reports are completed, the entire report in JMS will be locked for supervisor only view to ensure the information is kept confidential.
4. When the Shift Supervisor is notified of an alleged sexual abuse/assault that cannot otherwise be conclusively refuted by video evidence, they will immediately report to the scene and ensure the following:
- a. The victim is isolated and is in view of an officer at all times.
  - b. The Shift OIC is notified.
  - c. Ensure the Escambia County Sheriff's Office Communication Center is notified, provided all available information, and a deputy is requested to respond.
  - d. Ensure the possible assailant(s) and/or witness(es) are isolated and not questioned by Correctional staff.
  - e. Secure the area in accordance with ECCD Administrative Order IO.029, "Preservation of Evidence."
  - f. Ensure the following documentation is collected:
    - 1) Copy of the Inmate Housing Roster of the area where the alleged attempted/sexual battery occurred.
    - 2) Copy of the victim's and alleged assailant's Jail Management System (JMS) record.
    - 3) Copy of all inmates' ID cards or mugshot pages who were present when the alleged attempted/sexual battery occurred.
    - 4) Copy of the Daily Watch Assignment for the date and shift the alleged attempted/sexual battery occurred.
    - 5) Copy of the area logbook page(s) covering the area during the time period of the alleged attempted/sexual battery, if applicable.

- 6) Copy of available evidence and video surveillance, if applicable.
5. All reported information will be kept confidential and only discussed with appropriate officials on a need to know basis.
6. The ECCD Internal Affairs Unit will be notified of all allegations involving sexual abuse to allow for administrative review and/or investigation. This investigation will be conducted by Internal Affairs investigators who have completed specialized sexual abuse training in compliance with PREA 115.34 (c). This will include whenever other agencies call indicating an inmate received from ECCD is claiming a sexual abuse or sexual harassment event occurred while in our custody.
7. Upon completion of the investigation, the ECCD Internal Affairs investigator will submit their findings to the Chief of Corrections and to the PREA Coordinator.

#### **IO 28.5**

##### **Assistance from Law Enforcement and Transport to Hospital [FCAC 30.04]**

1. When the law enforcement officer arrives at the facility to investigate an alleged crime, the Shift Supervisor or designee will brief them on the situation.
2. The Shift Supervisor or designee will attempt to make available a victim's advocate for the inmate. If requested by the victim, the advocate may accompany and support the victim through the forensic medical examination process, investigatory interviews, provide emotional support, crisis intervention, information, and referrals. The primary victim's advocate is available through the Lakeview Victims Services. The Shift Supervisor or designee will contact the number located on Department phone Directory (HR-6). If they cannot be reached, the investigating law enforcement officer can request a victim's advocate through the Escambia County Sheriff's Office Communication Center. [PREA 115.21 (d), (e)]
3. Based upon the Escambia County Sheriff's Office's criminal investigation, isolation of the victim and alleged assailant(s) may continue.
4. In the event the law enforcement officer determines a forensic abuse exam is needed, correctional officer(s) will transport the alleged victim in an Escambia County Corrections Department transportation vehicle to the hospital for examination by a health care professional. This will ensure that a uniform evidence protocol is utilized that maximizes the potential for obtaining physical evidence for administrative proceedings and criminal prosecutions. [PREA 115.21 (a), (b)] [FCAC 30.04]
  - a. ECCD Correctional Staff will maintain custody, control, and security of the inmate when being evaluated by hospital staff.

- b. Special requests by hospital staff will be handled in accordance with ECCD Administrative Order IS.008, "Hospital Security."
  - c. Restraints will be used in accordance with ECCD Administrative Order IS.008, "Hospital Security."
5. If any test results or follow-up medical or mental health care is required, the hospital staff will contact the Infirmary medical staff.
  6. Upon return, the Transporting Officer will notify the Shift OIC or designee and Health Services staff.
  7. Infirmary medical staff will assess the inmate and assign to infirmary, status post hospital care.
  8. The Shift OIC or designee may proceed with an interview of the victim(s) upon return.
  9. In the event the inmate did not want a victim's advocate at first, but later would like access, the Department will provide inmates with access to outside victim advocates for emotional support service related to sexual abuse via telephone numbers and mailing addresses. This information will be included in the "Inmate Handbook" in accordance with ECCD Administrative Order IO.027 Prison Rape Elimination Act (PREA)."

## **IO 28.6**

### **Health Services Response to Sexual Incidents [FCAC 30.04]**

1. Health Services Staff will not be involved in the collection of forensic evidence / information. [NCCHC J-G-04]
2. Health staff are trained in how to: [NCCHC J-F-06.2 a: b]
  - a. Detect, assess, and respond effectively and professionally to signs of sexual abuse and sexual harassment; and
  - b. Preserve physical evidence of sexual abuse.
3. Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. [PREA 115.82 (a)]
4. In all cases of sexual abuse, the following will occur: [NCCHC J-F-06.5 a:c]



- a. Treatment services will 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. [PREA 115.83 (g)] [PREA 115.82]
- b. Prophylactic treatment and follow-up care for sexually transmitted or other communicable diseases (e.g., HIV, hepatitis B) are offered to all victims, as appropriate; [PREA 115.83 (f)] [PREA 115.82 (c)]
- c. Emergency contraception is available to female victims of sexual abuse. [NCCHC J-F-06.3] [PREA 115.82 (c)]
- d. After the physical examination at the hospital, or upon determination by the Law enforcement officer that transport to the hospital is not required, the inmate will receive:
  - 1) A medical evaluation by qualified Health Services staff. This will ensure that any inmate who reports being sexually abused during their incarceration is provided a medical evaluation and necessary treatment by a health care professional and follow-up care. [FCAC 30.04]
  - 2) A mental health evaluation by a qualified mental health professional for crisis intervention counseling, assessment of suicidal ideation, and follow-up.

## **IO 28.7 Media**

Staff will refer all media inquiries to the Chief of Corrections or designee and the BOCC Community and Media Relations (CMR) unit.

## **IO 28.8 Forwarding and Retention of Reports**

1. Within one (1) shift of the conclusion of the critical event, all incident reports, supporting department and agency reports, a copy of the "Critical Event Report," (OP-56), "Post Incident Analysis," (OP-56a), and any other pertinent documentation will be compiled, and made available to the Chief of Corrections or designee and copies will be forwarded to the Internal Affairs Unit and the ECCD Risk Management Analyst and the PREA Coordinator.
2. Incident and investigative reports and the case disposition will be retained by the Internal Affairs Unit in accordance with this policy, ECCD Administrative Order HR.004, "Internal Affairs Investigations" and Florida State General Records Retention Schedule, GS-L & GS-2.



## Definitions

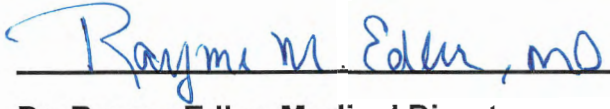
- A. Attempted Sexual Abuse: Making an overt act toward the commission of a sexual abuse but failing in the commission.
- B. Central Control: A twenty-four (24) hour secure Central Command Center to serve as a central communication point from which the Department's safety and security are effectively monitored via closed circuit cameras. During Critical Events/Major Incidents and non-emergency situations the activities and actions of department personnel will be coordinated via the Central Command Center. The Central Command Center will act as a liaison by coordinating and communicating activities between facilities within the department and agencies jointly responding to department incidents.
- C. Prison Rape Elimination Act (PREA): Federal Law signed September 04, 2003. Also known as Public Law Number 108-79.
- D. Sexual Battery: As defined in Section 794.011, Florida Statutes.
- E. Sexual Abuse by an Inmate: Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: [PREA 115.6]
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.
  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.
- F. Sexual Abuse by Staff, Visitors, Contractors, or Volunteers: Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: [PREA 115.6]
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
  2. Contact between the mouth and the penis, vulva, or anus.

3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
  4. Penetration of the anal or genital opening, however slight, by a hand, finger, or object, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
  5. Any other intentional contact, either directly or through the clothing, with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
  6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section.
  7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, or voyeurism by a staff member, contractor, or volunteer.
  8. Voyeurism by a staff member, contractor, or volunteer.
- G. Sexual Harassment: **Repeated** and unwelcome sexual advances, request for favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. [PREA 115.6]

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Drafted: WRJ 09/2020

**Approved**

 8-28-20  
Dr. Rayme Edler, Medical Director Date  
Escambia County Corrections

 9-1-20  
William R. Powell, Chief Date  
Escambia County Corrections Department

## Attachment I PREA Flow Chart

