
	<p style="text-align: center;">Osceola County Corrections Department Operational Procedure</p> <p style="text-align: center;">Effective Date: 02/23/2023</p>	
<p>O.P.# 100.14</p>	<p>SUBJECT: Prison Rape Elimination Act (PREA)</p>	<p>Page 1 of 31</p>

I. AUTHORITY:

FSS 944.35, 951.221; PREA of 2003; FMJS **4.12(a-1 to 3)(b-1 to 3)**; FCAC **4.09M, 30.01M, 30.04M**

II. PURPOSE:

To establish the Osceola County Corrections Department's zero tolerance towards all forms of sexual abuse and sexual harassment by maintaining a program of prevention, detection, response, investigation, and tracking. Sexual assault among inmates and staff sexual misconduct and sexual harassment towards inmates is strictly prohibited and subject to administrative and criminal disciplinary sanctions.

III. FORMS:

100.41, 100.41S, 400.11, 400.11A, 400.29



IV. DEFINITIONS:

Employee - Any person who works directly for and is paid by the Osceola County Corrections Department.

Contractor - Any person who provides services on a recurring basis pursuant to a Contractor Agreement with the Department or the County.

Inmate - Any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or terms and conditions of parole, prosecution, pretrial release, or diversionary program.

Prison Rape Elimination Act (PREA) - A federal law enacted in 2003, created to eliminate any form of sexual abuse in confinement. This legislation mandates national standards for the detection, prevention and punishment of prison rape and mandates national data collection efforts.

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Sexual Abuse - Includes sexual abuse by another inmate, staff member, contractor, or volunteer. (§115.5)

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: (§115.5)

- (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.

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: (§115.5)

- (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

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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, 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) through (5) of this definition.
- (7) Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident.
- (8) Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment includes: (§115.5)

- (1) Repeated and unwelcomed 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.
- (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.

Sexual Misconduct - Shall be inclusive of any behavior or act of a sexual nature directed toward an inmate. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual abuse, sexual harassment,

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sexual contact, sexual battery, conduct of a sexual nature or implication, obscene conversations, or correspondence of a romantic or sexual nature and unreasonable invasion of privacy.

Staff Member - Any person employed by the Osceola County Corrections Department.



Volunteer - Any person who, by mutual agreement with the Department, provides a service without compensation, or who voluntarily assists inmates or the Department in the course of their official duties.

Voyeurism - An invasion of privacy of an inmate by staff, contractor, or volunteer for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/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. PROCEDURES:



A. Prevention and Training:

1. The Osceola County Corrections Department mandates zero tolerance towards all forms of sexual abuse, sexual assault, sexual activity, and sexual harassment. (FCAC 4.09; FSS 944.35)
2. The Chief shall designate a PREA Coordinator to develop, implement, and oversee the Department's efforts to comply with PREA standards. (§115.11(b), §115.21(f))
3. Sexual abuse/assault or sexual acts between staff, volunteers, contract personnel and inmates, regardless of consensual status, is prohibited and will be subject to administrative and criminal disciplinary sanctions. Such acts will be considered as non-consensual and are punishable as a felony under FSS 794.011 and 944.35. Any such acts shall be reported immediately and

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investigated thoroughly. (FCAC 30.01; FSS 951.221)



4. If the Department learns that an inmate is subject to a substantial risk of imminent sexual abuse, the Department shall take immediate action to protect the inmate. (§115.62)
5. Supervisory staff shall conduct unannounced rounds on each shift. The rounds are to identify and deter staff abuse and sexual harassment. Staff shall not alert other members that these supervisory rounds are occurring unless such announcement is related to a legitimate operational function of the facility.
6. Staff members shall not watch inmates of the opposite sex while they dress, shower, or perform bodily functions; in order to avoid the viewing of their breasts, buttocks, or genitalia, except: (§115.15(d))
 - a. Under exigent circumstances.
 - b. When such viewing is incidental to routine cell checks.
 - c. This policy includes the viewing of inmates via video camera, live, or recorded, except in cases where a female Officer is assigned to a direct observation male inmate for the purposes of preserving the inmate's safety.
7. The Osceola County Corrections Department shall focus training of all staff, volunteers and contractors towards the elimination, prevention, early detection and coordinated response to all types of inmate sexual abuse and sexual assault and staff sexual misconduct and sexual harassment.
8. Implementation of the Department's zero tolerance policy includes prompt and effective intervention to address the safety and

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treatment needs of an inmate victim, and the investigation, discipline, and prosecution of the aggressor(s). Prevention and detection are part of the standard curriculum for staff in accordance with O.P. 300.03, Employee, Contractor, Volunteer Orientation and O.P. 300.04, Training. (§115.11(a); FMJS 4.12(a-1 to 3))



9. Medical and Mental Health staff shall receive specialized training related to PREA as outlined in §115.35(a). This training must be completed within ninety (90) days of the employee's hire date. The training shall include:
 - a. How to detect and assess signs of sexual abuse and sexual harassment.
 - b. How to preserve physical evidence of sexual abuse.
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - d. How and to whom to report allegations of suspicions of sexual abuse and sexual harassment.
 - e. The PREA Coordinator shall maintain documentation of such training.

10. Internal Affairs investigators shall attend the course on sexual abuse investigations in the confinement setting, as outlined by the Department of Justice. The Internal Affairs Supervisor, the Training Department, and the PREA Coordinator shall maintain documentation of such training. (§115.34(c), §115.34(a))

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11. Inmate Education:

- a. Sexual Assault Prevention and Reporting Inmate Brochure (F100.41 or F100.41S) shall be given to all inmates upon their entry into the facility in Booking. The brochure includes information on prevention, self-protection, and reporting sexual abuse or assault within the facility. (§115.33(a); FMJS 4.12(b-1 to 3))
- b. Information on sexual assault, sexual victimization and sexual misconduct is written in the Inmate Handbook and available on the inmate tablet. The Inmate Handbook is available for inmates in both English and Spanish. The information provided includes: (§115.33(a))
 - i. Prevention/Intervention.
 - ii. Self-protection.
 - iii. Reporting sexual abuse/assault.
- c. Posters are displayed in English and Spanish with information on sexual abuse/assault in all housing areas and in the Booking area. The posters provide inmates with information on how to report known or suspected abuse. (§115.33(f))
- d. An inmate orientation presentation regarding PREA and sexual abuse/assault will be shown daily in English and Spanish to all inmates arrested and still in custody within the previous twenty-four (24) hours. (§115.33(a), §115.33(b))

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- e. If an inmate cannot read, orientation and education materials shall be read to the inmate by a staff member or will be presented by video with sound. All inmates with disabilities (i.e., limited English proficiency, deaf, visually impaired, limited reading skills) will have access to the inmate orientation process using appropriate accommodations. (§115.16(a)(b), §115.33(d))

12. Public Information:

- a. Posters shall be displayed in English and Spanish in the public lobby, to provide the public with information on how to report known or suspected sexual abuse or sexual harassment.
- b. The agency shall post the following information on the agency's website at:

<http://www.osceola.org/correctionsdep/home.cfm>:



- i. The agency's zero tolerance policy regarding sexual abuse and sexual harassment. (§115.11(a))
- ii. The agency's policy to ensure that all allegations of sexual misconduct and sexual harassment are referred for investigation. (§115.22(b))
- iii. Information for the public on how to report known or suspected abuse, to include:
 - 1. Contact information for correctional personnel.

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2. Instructions for what information must be included.
3. A statement advising that the complaint will be discussed with those who need to know. (§115.54)

B. Reporting and Criminal Investigation:

1. An inmate may report sexual assault or abuse, sexual misconduct, or sexual harassment in the following ways:
 - a. Verbally to a qualified healthcare professional, Chaplain, Corrections Officer, Classification Specialist, or directly to the Osceola County Sheriff's Office (OCSO).
 - b. In writing, on a request form or any piece of paper, or to the PREA mailbox on the inmate tablet.
 - c. Anonymously.
 - d. Through a third party.
 - e. By telephone. The inmate may call the Crimeline at 800-423-8477, who shall forward the complaint to local law enforcement. The inmate may also contact the Confidential Inmate Information Line, by dialing *9021#. (§115.22(a), §115.51(a)(b), §115.54)
2. An inmate may also report sexual assault or abuse, sexual misconduct, or sexual harassment by submitting a grievance on the

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inmate tablet or on Inmate Grievance Form (F400.29). See O.P. 800.16, Inmate Grievances for the policy regarding the handling of such grievances. (§115.52)



3. Inmates who have limited English proficiency (LEP), are deaf, or disabled are able to report sexual abuse to staff directly through interpretive technology, or through non-inmate interpreters. (§115.16(a))

4. If the complaint is received orally, the staff member receiving the complaint shall put the complaint into writing and forward the report to his/her Supervisor within two (2) hours of receiving the information. (§115.51(c))



5. All allegations of sexual abuse, sexual harassment or sexual misconduct shall be investigated promptly, thoroughly, and objectively for all allegations, no matter the reporting source. Criminal investigations are investigated by the Osceola County Sheriff's Office and internal administrative investigations are investigated by the Watch Commander and/or Internal Affairs. Osceola County Sheriff's will follow their standard operating procedure and evidence protocol for all investigations. (§115.71(a), §115.21(f))

C. First Responder – Discovery of Sexual Abuse or Harassment:

1. When a staff member identifies or is alerted to any incident of sexual abuse or sexual harassment, the staff member shall:
 - a. Call for immediate assistance and notify the Zone Supervisor and/or Watch Commander.

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- b. Separate the alleged victim from the alleged abuser. If possible, continuously observe both inmates until an investigator can interview them. (§115.64(a)(1))
- 4. Secure the crime scene. (§115.64(a)(2))
 - a. Leave the scene exactly as found.
 - b. Protect all areas where physical evidence may be found.
 - c. If evidence cannot be protected or secured, take custody of the evidence, and retain it in your possession until it can be transferred to the investigator.
 - d. Complete a written Incident Report (F400.11, F400.11A) with known facts regarding the incident as soon as possible after the scene and the inmates are secure.
 - e. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary or to make treatment, investigation, and other security and management decisions.
 - f. Certified and non-certified staff shall instruct the alleged victim/alleged abuser not to take any actions that could destroy physical evidence including the following: (§115.64(a)(3)(4) and (b))
 - i. Washing.
 - ii. Brushing his/her teeth.
 - iii. Changing his/her clothes.

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iv. Urinating.



v. Defecating.

vi. Drinking.

vii. Eating.



D. Coordinated Response:

1. All actions taken in response to an incident of sexual abuse are coordinated by staff, first responders, medical and mental health practitioners, investigators, and facility leadership. The facility's coordinated response ensures that victims receive all necessary immediate and ongoing medical, mental health, and support services and that investigators are able to obtain usable evidence to substantiate allegations and hold perpetrators accountable. (§115.65)
2. Any staff member, volunteer, or contract person who has knowledge of any sexual abuse, assault, or harassment of any inmate shall report such information immediately. Early intervention is crucial for inmates who are victims of sexual abuse/assault. (§115.61(a))
3. A preliminary investigation is conducted by the Watch Commander and documented whenever a sexual assault or threat is reported, regardless of the source. The Watch Commander shall complete the investigation in accordance with O.P. 100.07, Critical Event/Major Incident Reporting, if the allegation is substantiated. (§115.22(a))

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4. If the Watch Commander's preliminary investigation indicates the report is valid, the Osceola County Sheriff's Office shall be contacted to begin a criminal investigation and Internal Affairs shall be notified to begin an administrative investigation, if necessary. (§115.22(a)(b), §115.61(e))

5. The Watch Commander shall:
 - a. Ensure the safety of those involved.
 - b. Refer to Medical for any immediate treatment needs. Ensure that the Medical Department is aware that this is a report of sexual abuse. (§115.82(a))
 - c. Instruct the alleged victim and alleged abuser not to take any actions that could destroy physical evidence.
 - d. Identify and separate witnesses, if any.
 - e. Obtain a brief narrative of the assault from the alleged victim. Explain that a complete statement will be taken by the investigator.
 - f. Notify the Division Captain or Assistant Manager, who will notify the Major.
 - g. Contact the Osceola County Sheriff's Office (OCSO) to report the incident and request an investigative response. (§115.22(a)(b) / §115.61(e))
 - h. Brief the responding OCSO Deputy on the initial facts obtained from the alleged victim.
 - i. Complete a memo that outlines the allegation, the

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investigation process, and the outcome of the investigation.



- j. If the allegation is substantiated, initiate a Critical Event in accordance with O.P. 100.07, Critical Event/Major Incident Reporting, and complete the Critical Event/Major Incident Summary (F100.19) within three (3) hours of the conclusion of the event and ensure completion of all reports prior to the end of the shift.

6. Medical Staff shall:

- a. Provide immediate medical treatment for injuries, if any, being careful not to interfere with the collection of potential evidence.
- b. Notify the mental health clinician by telephone, or in person.
- c. Develop and provide evaluation and treatment of the alleged victim, including, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following the inmate's release from the facility.

7. Mental Health Staff:



- a. Upon notification that a PREA incident may have occurred, ensure the alleged victim of sexual abuse receives timely services to address both immediate and ongoing needs.
- b. The mental health clinician shall schedule an interview with the alleged victim and provide follow-up counseling.
- c. Consult with Classification and the PREA Coordinator to provide information needed to safely house the alleged victim.

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- d. Develop and provide evaluation and treatment of the alleged victim, including, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following the inmate's release from the facility.

8. Investigation:

- a. Completed reports shall be provided to the OCSO Deputy for review.
- b. Allow the Deputy to meet with the alleged victim and evaluate his/her statement.
- c. If deemed necessary, the responding OCSO Deputy shall contact the OCSO Criminal Investigations Division of the Sheriff's Office.
- d. If the Deputy has obtained sworn statements from the alleged victim, alleged abuser, and any witnesses, he/she shall provide the Watch Commander with a copy.
- e. The OCSO shall coordinate transfer of the alleged victim to the Victim Service Center for evaluation and forensic examination. (FCAC 30.04; §115.82(a)(c))
- f. If the alleged victim refuses medical treatment, examination, or any part of the investigative process, it must be documented on an Incident Report (F400.11, 400.11A).
- g. If the allegation of sexual abuse involves any staff member, the Watch Commander shall contact the Osceola County Corrections Department Internal Affairs Unit and OCSO to coordinate investigative efforts.

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h. As soon as possible, not to exceed forty-eight (48) hours (excluding weekends and holidays) after the conclusion of the critical event/major incident, the Critical Event/Major Incident Packet, available supporting department and agency reports, and any other pertinent documentation shall be compiled, reviewed for accuracy, and made available to the Chief or designee.

i. Copies shall be forwarded to the Internal Affairs Unit, Quality/Risk Control Manager, as per O.P. 100.07 Critical Event/Major Incident Reporting Procedure, and Division Captain or Assistant Manager. The Division Captain or Assistant Manager shall inform the Major, Deputy Chief, Chief, and PIO of any sustained PREA allegations.



9. PREA Coordinator:

a. The PREA Coordinator shall review and ensure submittal of all relevant documents for the PREA file.

b. The PREA Coordinator shall act as liaison between the alleged inmate victim and the community advocate, to support the victim through the forensic examination process, and provide emotional support, information, and referrals.

c. The PREA Coordinator shall chair the facility's Sexual Abuse Incident Review Team and document the findings.



d. The review team shall include the affected Captain or Assistant Manager, with input from the Watch Commander, Line Supervisors, Investigators, Classification, Medical and Mental Health Clinician, and the PREA Coordinator.

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- e. Ensure that the inmate victim is housed in the least restrictive housing possible, in conjunction with Classification and Mental Health.
- f. The PREA Coordinator shall ensure monitoring of the treatment and conduct of inmates and staff members who have reported sexual abuse and shall report promptly to Internal Affairs to review any indication of retaliation.

E. Reporting Responsibility:

1. All staff are required to immediately report to the Watch Commander any knowledge, suspicion, or information they receive regarding an incident of sexual abuse that occurred in an institutional setting, retaliation against inmates or staff who reported abuse, and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation. (§115.61(a))
2. The Department has made a locked box available for confidential submission of a sexual abuse report. Staff may also call the Osceola County Employee Hotline at 1-877-888-0004 to confidentially report such incidents. (§115.51(d))
3. Staff members who fail to report sexual misconduct that is either witnessed or reported are subject to disciplinary action up to and including termination.
4. Apart from reporting to designated Supervisors or officials, staff must not reveal any specific information relating to sexual abuse to anyone other than those who need to know in order to make



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treatment, investigation, and other security and management decisions. (§115.61(b))

5. If the alleged victim of sexual abuse is under the age of 18, the Department shall ensure that the incident is reported properly to the Florida Department of Children and Families (DCF). (§115.61(d))
6. Inmate responses to questions asked pursuant to vulnerability and abuser screening are considered sensitive information. All staff members must take care to preserve the confidentiality of this information and ensure that it is disseminated only to those who need to know. (§115.41(i))

F. Reporting of Abuse Outside the Facility:



1. If a staff member receives an allegation that an inmate was sexually abused while confined at another facility, the Department shall notify, in writing, the head of the facility where the alleged abuse occurred. (§115.63(a))
 - a. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. (§115.63(b))
 - b. The agency shall document that it has provided such notification. (§115.63(c))
2. If information is received that a former inmate has committed alleged sexual abuse or that a former inmate was sexually abused while confined at this facility it shall be thoroughly investigated. The Internal Affairs Department shall receive such notification and shall

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ensure that the allegation is investigated in accordance with these standards. (§115.63(d))

G. Retaliation, Monitoring, and Treatment:

1. The Corrections Department has a duty to protect all inmates and staff members from retaliation for their role in sexual abuse and sexual harassment investigations. The PREA Coordinator will monitor the conduct and treatment of all inmates and staff members who report abuse or harassment, or who cooperate with those investigations. (§115.67(a))
2. The Department shall employ multiple protection measures for inmates and staff, to include: (§115.67(b))
 - a. Housing changes or transfers for inmate victims or abusers.
 - b. Removal of alleged staff or inmate abusers from contact with victims.
 - c. Emotional support services for inmates or staff who fear retaliation for reporting abuse or cooperating in the investigation.
3. The PREA Coordinator shall monitor the conduct and/or treatment of inmates or staff for at least ninety (90) days following their report or cooperation to see if there are changes that may suggest possible retaliation by inmates or staff. The agency shall make every effort to protect those individuals. (§115.67(c))



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- a. This monitoring shall include periodic status checks of the inmates. (§115.67(d))
- b. Monitoring shall continue beyond ninety (90) days if the initial monitoring indicates a continuing need. (§115.67(c))
4. The appropriate measures shall be taken to protect any other individual who cooperates with an investigation and expresses a fear of retaliation. (§115.67(e))
5. The obligation to monitor the victim shall terminate if the agency determines that the allegation is unfounded. (§115.67(f))
6. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. (FCAC 30.04; §115.82(a))
7. Inmate victims of sexual abuse shall be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, as medically appropriate. (FCAC 30.04; §115.82(c))
8. The Department shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse. Prior to giving them access, the Department will inform inmates of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities. (FCAC 30.04; §115.53(b), §115.53(a))

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9. The Department shall offer medical and mental health evaluation to all inmates who have been victimized by sexual abuse in the facility. (FCAC 30.04; §115.83(a))
 - a. The evaluation and treatment of such victims shall include follow-up services, treatment plans, and, when necessary, referrals for continued care following their release from the facility. (§115.83(b))
 - b. The facility shall provide such victims with medical and mental health services consistent with the community level of care. (§115.83(c))
 - c. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. (§115.83(d))
 - d. If pregnancy results from the sexually abusive conduct, such victims shall receive timely and comprehensive information about, and timely access to all lawful pregnancy related medical services. (§115.83(e))
 - e. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate. (§115.83(f))



10. The Department shall provide, at no cost, medical treatment, physical and/or mental health support, and access to the Rape Crisis Center for those inmates who require or request such assistance due to sexual abuse victimization. (FCAC 30.04; §115.82(d), §115.83(g))

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11. Medical practitioners must inform inmates of the practitioner's duty to report sexual abuse and the limitations of confidentiality with medical staff members. (§115.61(c))

H. Sanctions and Discipline:



1. The Osceola County Corrections Department shall educate all staff members and inmates on the sanctions for committing acts of sexual abuse or sexual harassment towards inmates, and retaliation towards victims, accusers, and reporters of such abuse.
2. Inmate discipline:
 - a. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative ruling that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions are commensurate with the nature and circumstance of the abuse committed, the inmate's disciplinary history, and the sanctions met out for comparable offenses by other inmates with similar histories. (§115.78(a)(b))
 - b. The disciplinary process must consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanctions, if any, should be imposed. Possible sanctions also include interventions designed to address and correct underlying reasons or motivation for the abuse, such as requiring the offending inmate to participate in therapy, counseling, or other programs. (§115.78(c)(d))

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- c. Ensure victims and other complainants are notified in writing of the outcomes of any disciplinary sanctions. (§115.73(a))
- d. The Department 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. An inmate shall not be disciplined for filing a false report of sexual abuse if the investigation proves that the inmate had a reasonable belief that the alleged conduct occurred, even if the investigation did not establish evidence sufficient to substantiate the allegation. (§115.78(f))

3. Staff Discipline:

- a. Staff shall be subject to disciplinary sanctions up to and including termination for violating Department sexual abuse or sexual harassment policies. (§115.76(a))
- b. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (§115.76(b))
- c. Disciplinary sanctions for violations of Department policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (§115.76(c))

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d. All terminations for violation of the Department’s sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies and any relevant licensing bodies. (§115.76(d))

4. Contractors and volunteers:



Any contractor or volunteer who engages in sexual abuse or sexual harassment with an inmate will be prohibited from inmate contact and is subject to permanent exclusion from the facility, the contractor or volunteer shall be reported to law enforcement agencies and to relevant licensing bodies. (§115.77(a))

I. Reporting to Inmates:



1. Following an investigation into an inmate’s allegation that he/she suffered sexual abuse in the facility, the Department shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (§115.73(a))
2. The Department shall request relevant case and investigative information from the OCSO and the State Attorney’s Office in order to properly inform the inmate. (§115.73(b))
3. Following an inmate’s allegation that a staff member has committed sexual abuse against him/her, unless the allegation has been determined to be unfounded, the Department shall inform the inmate whenever: (§115.73(c))

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- a. The staff member is no longer assigned to a post within the inmate's unit.
 - b. The staff member is no longer employed at the facility.
 - c. The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
 - d. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following an inmate's allegation that he/she has been sexually abused by another inmate, the Department shall inform the inmate whenever: (§115.73(d))
 - a. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - b. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 5. All such notifications or attempted notifications are documented by the PREA Coordinator. (§115.73(e))
 6. The Department's obligation to inform an inmate terminates if the inmate is released from custody. (§115.73(f))
- J. Data Collection and Tracking:

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1. The PREA Coordinator shall be responsible for collecting accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions. (§115.87(a))
2. The PREA Coordinator will aggregate the incident-based sexual abuse data at least annually. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Bureau of Justice Statistics Survey on Sexual Violence. (§115.87(b)(c))
3. The PREA Coordinator 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 PREA Coordinator 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 Osceola County Corrections Department shall review, analyze, and use all sexual abuse data, including incident-based aggregated data, to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. (§115.88(a))
6. Using this data, the Department shall identify problem areas, including any racial dynamics underpinning patterns of sexual abuse, and will take corrective action on an ongoing basis. (§115.88(a))
7. The PREA Coordinator shall prepare an annual report of the

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Department's findings and corrective actions. The 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 Department's progress in addressing sexual abuse. (§115.88(a)(b))

8. The Department's report shall be approved by the Chief and submitted to the appropriate legislative body and made readily available to the public through the Department's website. (§115.88(c))



9. The Department may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but it must indicate the nature of the material redacted. (§115.88(d))

K. Data Storage, Publication, and Destruction:

1. The PREA Coordinator shall ensure that the collected sexual abuse data pursuant to §115.87 is properly stored, securely retained, and protected. (§115.89(a))

2. The PREA Coordinator shall make all aggregated sexual abuse data readily available to the public at least annually through its website, or if it does not have one, through other means. (§115.89(b))

3. Before making aggregated sexual abuse data publicly available, the Records Custodian shall remove all personal identifiers from the data. (§115.89(c))

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4. The Department maintains sexual abuse data for at least ten (10) years after the date of its initial collection, unless Federal, State, or local law requires that the data be maintained for a longer period of time. (§115.89(d))
5. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.

L. Comprehensive Audit:



Comprehensive audits, if necessary, shall be conducted at least every three (3) years by independent auditors as outlined in §115.401 through 115.405 of the Federal Register. The PREA Coordinator shall ensure files are prepared and are ready for review. (§115.93)

M. Staffing Assessment and Use of Monitoring Technology:

1. The Security Operations Captain shall determine the adequate levels of staffing as outlined in O.P. 200.03, and, where applicable, the use of video monitoring to protect inmates against sexual abuse. (§115.13(a))
2. The staffing plan shall include: (§115.13(a))
 - a. Generally accepted detention and correctional practices.
 - b. Any judicial findings of inadequacy.

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- 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.
3. In circumstances where the staffing plan is not complied with, the Watch Commander shall document and justify all deviations from the plan. (§115.13(b))
 4. Each year, the Security Operations Captain, in conjunction with the PREA Coordinator, shall assess and determine whether adjustments are needed to: (§115.13(c)(1)(2)(3))

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- a. The staffing levels established in section L of this procedure.
- b. The Department's use of video monitoring systems and other technology.
- c. Prevailing staffing patterns.
- d. The resources the facility has available to commit to ensuring adherence to the staffing plan.

N. Collective Bargaining Agreements:

The Osceola County Corrections Department shall not enter into or renew any, collective bargaining agreement or other agreement that limits the Department's ability to remove alleged staff abusers from contact with victims pending an investigation. (§115.66(a))

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APPROVED:



Bryan R. Holt, Chief
Osceola County Corrections Department

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