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| **BAKER COUNTY SHERIFF’S OFFICE****CORRECTIONS BUREAU** **GUIDELINES** | **NUMBER:****CO 328** |
| **PAGES:** **33** | **EFFECTIVE DATE:****01/25/23****New: 12/07/22****Revised: 01/25/23****Reviewed:**  |
| **SUBJECT:** **PRISON RAPE ELIMINATION ACT –** **ICE STANDARDS** | **ANNUAL REVIEW DATE:****12/30/23** |

This guideline will be reviewed on an annual basis by the Corrections Bureau Director or designee. The

review will be documented on an Office Memorandum, to the Sheriff, which outlines the review process

and required updates, if any. A copy of this memorandum will be forwarded to the Professional Services

Unit, which will maintain a review log of Standard Operating Guidelines.

**I. Policy:**

It is the policy of the Baker County Detention Center (BCDC) to comply with the provisions set forth in the Prison Rape Elimination Act (PREA) and Immigration and Customs Enforcement (ICE). This policy addresses the prevention, intervention, treatment, investigation, tracking and reporting of detainee sexual assault/battery and staff sexual misconduct/harassment. BCDC shall make every effort to provide all detainees with a safe, humane, and secure environment, free from the threat of sexual assault/battery and staff sexual misconduct/harassment. As part of the orientation process, detainees shall be provided information regarding sexual assault/battery and staff sexual misconduct/harassment. In addition, all BCDC, volunteer and contractual staff shall receive training on sexual assault/battery and sexual misconduct/harassment. ***BCDC has a zero tolerance towards all forms of sexual abuse and sexual harassment to include but not limited to: incidents of detainee-on-detainee sexual assault/battery and staff sexual misconduct/harassment towards detainees. Reports of victimization can be made confidentially. All complaints of attempted sexual assault/battery, sexual assault/battery and staff misconduct/harassment shall be reported promptly and thoroughly investigated by the appropriate authorities. Information regarding a sexual assault/battery or sexual misconduct/harassment shall be only disclosed to those who need to know for the purpose of investigation, decision making, and/or prosecution.***

**PREA 115.11(c)**

**II. Definitions:**

**Abusive Sexual Contact** is described as contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

**Exigent Circumstances** is described as unusual occurrences that threaten the safe orderly operation of BCDC. During these occurrences, safe swift action must be taken by staff in order to restore safety and control to BCDC. (Examples: Fire and riots)

**Nonconsensual Sexual Acts** is described as contact of any person without his or her consent, or of a person who is unable to consent or refuse and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anus or genital opening of another person by a hand, finger, or other object.

**Sexual Assault/Abuse** on detainees is described as one or more detainees touching, or other actions and/or communications by one or more detainees aimed at coercing and/or pressuring another detainee to engage in a sexual act. Sexual acts or contacts between detainees, or staff and detainees even when no objections are raised, are prohibited acts.

**Sexual Harassment** is described as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee directed towards another. Harassment is also defined as verbal comments or gestures of a sexual nature to an detainee 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** is described as any member employed by the Baker County Sheriff’s Office. Contractual employees employed by the medical and food service provider are also considered Baker County Sheriff’s Office staff.

**Staff Sexual Misconduct** is described as consensual or nonconsensual sexual acts including: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

**Volunteer** is described as any person who donates time to the Baker County Sheriff’s Office or the Baker County Detention Center and is not employed by BCDC as staff.

**Voyeurism** is described as an invasion of privacy of an detainee by staff for reasons unrelated to official duties, such as peering at an detainee who is showering, using the toilet in his/her cell to perform bodily functions; requiring an detainee to expose her/her buttocks, genitals, or breasts; or taking images of all or part on an detainee’s naked body***.***

Engaging in, or attempting to engage in a sexual act with any detainee or the intentional touching of an detainee’s genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between detainee and detainee, or detainee and staff, even when no objections are raised, are always illegal.

**III. Guideline:**

**A**. Screening and Classification – All detainees/detainees entering into BCDC are screened by the Medical Staff and classified by facility staff. Classification will be completed during the booking process and the recommendations will be reviewed by a first line supervisor for completeness and accuracy. When an detainee reports having been a victim of sexual assault/abuse and expresses a willingness to participate in treatment, staff shall refer the detainee to Medical Staff. They will assess the detainee’s need for treatment and discuss available treatment options when appropriate. Every detainee will complete a questionnaire during the Classification process in order to determine those detainees that may be at risk of being victimized.

**B**. Prevention – All staff and detainees are responsible for being alert to signs of potential situations in which sexual assaults may occur. Sexual contact will be discouraged and prevented through detainee supervision and the practice of professional ethics by employees.

1. Prevention of Detainee Sexual Abuse/Assault

a. Proper patrol procedures and vigilance are imperative in preventing sexual abuse/assault. Deputy presence can be a major deterrence to detainee sexual abuse/assault as well as other forms of violence or criminal activity.

 1) Regular security checks shall be made through the housing areas supplemented by frequent unscheduled security checks.

2) Members shall identify and eliminate or minimize blind spots, as dictated by

facility design.

3) All members shall be cognizant of their post and surroundings at all times.

4) There shall be proper lighting in cell areas. Lights must be uncovered and

properly maintained.

5) Windows shall be free of clutter and not covered (including direct observation housing viewing glass).

6) No clothing or bedding or other materials shall hang over bunks, which

obscure proper line-of-sight.

7) Cross-gender pat-down searches of male detainees shall not be conducted unless, after reasonable diligence, staff of the same gender is not available at the time the pat-down search is required or in exigent circumstances.

**PREA 115.15(b)**

8) Cross-gender pat-down searches of female detainees shall not be conducted unless in exigent circumstances.

**PREA 115.15(c)**

9) Staff members of the opposite gender will announce their presence when entering an detainee an area where detainees are likely to be showering, performing bodily functions, or changing clothing.

**PREA 115.15(g)**

10) Detainee’s will be allowed to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination.

**PREA 115.15(g)**

**C**. Preventing sexual assault/abuse also suggests that staff should attempt to identify sexual assaultive detainees. In fact, care must be taken to identify and document any history of sexual assaultive behavior.

**PREA 115.11(a)**

Accordingly, during intake screening procedures, staff shall review available documentation for any indication that an detainee has a history or sexually aggressive behavior. Staff shall refer any detainee with a history of sexually abusive behavior to Medical Staff for an assessment and possible treatment.

D. Shift Commanders shall conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Unannounced rounds will be conducted on both day shift and evening shift. Unannounced rounds will be logged in to the Guardian RFID Electronic Log, designated as a Housing Unit Supervisor Check.

**PREA 115.13(d)**

**IV. Hiring and Promotions**

**A.** BCDC shall not hire or promote anyone who may have contact with detainees, and shall not enlist the services of any contactor or volunteer who may have contact with detainees, who has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institution who has been convicted of engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refused; or who has been civilly or administratively adjudicated to have engaged in such activity.

**PREA 115.17(a)**

**B.** BCDC considering hiring or promoting staff shall ask all applicants who may have contact with detainees directly about previous misconduct described in paragraph (a) 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. BCDC shall also impose upon employees a continue affirmative duty to disclose any such misconduct. BCDC, consistent with law, shall make its best efforts to contact all prior institutional employers of an applicant for employment, to obtain information on substantiated allegations of sexual abuse or any resignation during a pending investigation of alleged sexual abuse.

**PREA 115.17(b)**

**C.** Before hiring new staff who may have contact with detainees, BCDC shall conduct a background investigation to determine whether the candidate for hire is suitable for employment with BCDC, including a criminal background records check. Upon request by ICE, BCDC shall submit for ICE’s approval written documentation showing the detailed elements of BCDC’s background check for each staff member and BCDC’s conclusions. BCDC shall conduct an updated background investigation every five years for employees who may have contact with detainees. BCDC shall require an updated background investigation every five years for those facility staff who may have contact with detainees and who work in immigration-only detention facilities.

**PREA 115.17(c)**

**D.** BCDC shall also perform a background investigation before enlisting the services of any contactor who may have contact with detainees. Upon request by ICE, BCDC shall submit for ICE’s approval written documentation showing the detailed written documentation showing the detailed elements of BCDC’s background check for each contractor and BCDC’s conclusions.

**PREA 115.17(d)**

**E.** Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment, as appropriate.

**PREA 115.17(e)**

**F.** Unless prohibited by law, BCDC shall provide information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**PREA 115.17(f)**

**G.** In the event BCDC contracts with a facility for confinement of detainees, the requirements of this section otherwise applicable to BCDC also apply to BCDC and its staff.

**PREA 115.17(g)**

**V. Staff Training**

**A**. BCDC shall train, or require the training of, all employees who may have contact with immigration detainees, and all facility staff, to be able to fulfill their responsibilities under this part, including training on:

1. BCDC’s and facility’s zero tolerance policies for all forms of sexual abuse;

2. The right of detainees and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse;

3. Definitions and examples of prohibited and illegal sexual behavior;

4. Recognition of situations where sexual abuse may occur;

5. Recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and respond to such occurrences;

6. How to avoid inappropriate relationships with detainees;

7. How to communicate effectively and professionally with detainees including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees;

8. Procedures for reporting knowledge or suspicion of sexual abuse;

9. The requirements to limit reporting of sexual abuse to personnel with a need-to-know in order to make decisions concerning the victim’s welfare and for law enforcement or investigative purpose.

**PREA 115.31(a)**

**B.** All staff will also be trained to:

**1**. Recognize the physical, behavioral, and emotional signs of sexual assault/abuse;

**2**. Understand the identification and referral process when an alleged sexual assault/abuse occurs;

**3**. Have a basic understanding of sexual assault prevention, reporting, response techniques and confidentiality requirements.

**4.** Staff will be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**PREA 115.15(f)**

**5.** BCDC shall provide specialized training to DHS or agency employees who serve as full- and part-time medical practitioners or full- and part-time mental health practitioners in immigration detention facilities where medical and mental health care is provided.

**PREA 115.35(a)**

**6.** The training required by this section shall cover, at a minimum, the following topics:

a. How to detect and assess signs of sexual abuse;

 b. How to respond effectively and professionally to victims of sexual abuse;

 c. How and whom to report allegations or suspicions of sexual abuse;

d. How to preserve physical evidence of sexual abuse. If medical staff employed by BCDC conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

**PREA 115.35(b)**

**7.** ICE shall review and approve BCDC’s policy and procedures to ensure that facility medical staff is trained in procedures for examining and treating victims of sexual abuse, in facilities where medical staff may be assigned these activities.

**PREA 115.35(c)**

**8.** BCDC shall ensure that all volunteers and contractors who have contact with detainees have been trained on their responsibilities under BCDC’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

**PREA 115.32(a)**

**9.** The level and type of training provided to volunteers and contractors shall be based on the services that they provide and the level of contact they have with detainees, but all volunteers and contractors who have contact with detainees shall be notified of BCDC’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

**PREA 115.32(b)**

**C**. New Employees:

**1.** For new employees, a discussion of sexual assault/abuse prevention and intervention shall be part of the Employee Orientation training and should include a review of the Detention Centers sexual assault/abuse policy and staff responsibilities to prevent and report sexual assaults. For existing staff, additional extensive information about the program shall be included as a part of the Annual Refresher Training.

**PREA 115.31(c)**

**D.** Documentation:

**1.** BCDC shall maintain documentation that staff, including medical and mental health practitioners, has received required training.

**PREA 115.35(c)**

**2.** Verification shall be made through employee’s signature or electronic verification that employees understand the training that they have received.

**PREA 115.31(d)**

**3.** BCDC shall maintain documentation confirming that volunteers and contractors understand the training that they have received.

**PREA 115.32(c)**

**VI. Detainee Admissions**

**A.** BCDC shall assess all detainees on intake to identify those likely to be sexual aggressors or sexual abuse victims and shall house detainees to prevent sexual abuse, taking necessary steps to mitigate any such danger. Each new arrival shall be kept separate from the general population until he/she is classified and may be housed accordingly. Each detainee will be screened utilizing BCDC PREA Risk Assessment Form by medical staff.

**PREA 115.41(a)**

**B.** The initial classification process and initial housing assignment should be completed within twelve hours of admissions to BCDC.

**PREA 115.41(b)**

**C.** BCDC shall reassess each detainee’s risk of victimization or abusiveness between 60 and 90 days from the date of initial assessment, and at any other time when warranted based upon the receipt of additional, relevant information or following an incident of abuse or victimization.

**PREA 115.41(e)**

**D.** Completed PREA Risk Assessment Forms will be housed in the detainee’s medical file in the medical unit. Detainees found to be at risk of possible sexual victimization or at risk of being sexually aggressive will be communicated to the Booking Supervisor for a Special Requirements flag to be placed in the SmartCop jail management system. The PREA Coordinator and Classifications Supervisor will also be notified. Only staff that have a legitimate need to know shall have access to completed screening forms.

**PREA 115.41(g)**

**E.** Information gathered from the Detainee Sexual Assault Risk Assessment completed at time of intake will be used to make an informed decision when dealing with a detainee’s housing, bed, work, education, and program assignments with the goal of keeping separate those detainees at high risk of being sexually victimized from those at high risk of being sexually abusive.Staff shall make individualized determinations about how to ensure the safety of each detainee.

**PREA 115.42(a)**

**F.** If the assessment indicates that an detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate.

**PREA 115.81(a)**

**G.** When a referral for medical follow-up is initiated, the detainee shall receive a health evaluation no later than two working days from the date of the assessment.

**PREA 115.81(b)**

**H.** When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than 72 hours after the referral.

**PREA 115.81(c)**

**I.** In deciding whether to assign a transgender or intersex detainee to a facility for male or female detainee’s, and in making other housing and programming assignments, BCDC shall consider on a case-by-case basis whether a placement would ensure the detainee’s health and safety, and whether the placement would present management or security problems. Housing assignments along with programming assignments for transgender detainees shall be determined by a team to include the Chief of Security, the PREA Coordinator, the Classification Deputy, the Health Service Administrator, the Programs Coordinator, and a member of the medical mental health staff.

**PREA 115.42(b)**

**J.** Placement and programming assignments for each transgender or intersex detainee shall be reassessed at least twice each year to review any threats to safety experienced by the detainee.

**PREA 115.42(b)**

**K.** When operationally feasible, transgender and intersex detainees shall be given the opportunity to shower separately from other detainees. A Search Preference Form will be completed on all detainees identified as transgender or intersex at time of intake. Detainees will be asked during the completion of this form the detainee’s own opinion of showering options (shower in assigned cell shower or separate from population in the Medical Unit shower).

**PREA 115.42(c)**

**VII. Detainee Education**

**A**. As part of the Admissions process, a staff member shall provide an Detainee handbook that contains information about the Sexual Assault/Abuse prevention and Intervention program, including:

**1**. How detainees can protect themselves from becoming victims while incarcerated,

**2**. Treatment options available to victims of sexual assault, and

**3**. Methods of reporting incidents of sexual assault/abuse, including how to use the PREA hot-line.

**B.** During the intake process, BCDC shall ensure that the detainee orientation program notifies and informs detainees about ICE’s and BCDC’s zero-tolerance policies for all forms of sexual abuse and includes at a minimum, instructions on:

**1.** Prevention and intervention strategies;

**2.** Definitions and examples of detainee-on-detainee sexual abuse, staff-on-detainee sexual abuse and coercive sexual activity;

**3.** Explanation of methods for reporting sexual abuse, including to any staff member, including a staff member other than an immediate point-of-contact line officer (e.g., the compliance manager or a mental health specialist), the DHS Office of Inspector General, and the Joint Intake Center;

**4.** Information about self-protection and indicators of sexual abuse;

**5.** Prohibition against retaliation, including an explanation that reporting sexual abuse shall not negatively impact the detainee’s immigration proceedings; and

**6.** The right of a detainee who has been subjected to sexual abuse to receive treatment and counseling.

**PREA 115.33(a)**

**C.** BCDC shall take appropriate steps to ensure that detainees with disabilities (including but not limited to those who are blind or have low vision, deaf or hard of hearing, or those who have intellectual, psychiatric or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of BCDC’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

**PREA 115.16(a)**

**D.** Detainee comprehensive education shall be completed within 30 days of intake regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents as well as regarding agency policies and procedures for responding to such incidents. This education will be conducted at time of the detainee’s 14 day Health and Physical in the medical lobby. An education acknowledgement sheet should be signed by the detainee acknowledging that this education has been completed.

**VIII. Reporting**

**A.** The Baker County Detention Center shall provide multiple internal ways (request form, grievance form, verbal reporting to staff) for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reports may be made verbally, in writing, anonymously, or from third parties. Staff shall promptly document any verbal reports. Detainees shall be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

**PREA 115.51(a)(c)**

**B.** The Baker County Detention Center shall also provide detainees a way to report abuse or harassment to a public or private entity or office that is not part of ICE, and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials, allowing the detainee to remain anonymous upon request. Reports may be made through the Women’s Center of Jacksonville pursuant with the signed Memorandum of Understanding.

Women’s Center of Jacksonville

5300 Emerson Street

Jacksonville, Florida 32207

(904)721-7273

**PREA 115.54(a)**

**C.** BCDC shall also receive reports of sexual abuse and sexual harassment from members of the community on behalf of detainee’s held at the Baker County Detention Center. Members of the public may report verbally in person at BCDC, by calling the Detention Center Inspector, or in writing by completing the “Contact Us” form on ICE website.

**PREA 115.54(a)**

**D.**  Baker County Detention Center staff members may privately report sexual abuse and sexual harassment of detainees directly to the Detention Investigator.

**PREA 115.61(a)**

**E.** Deputies Role: Once an detainee has alleged sexual assault/abuse to a Deputy verbally or in writing, the Deputy must immediately inform an on-duty Supervisor so that he/she can start an assessment and report. Staff shall immediately report 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 ICE; retaliation against detainees or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

**PREA 115.61(a)**

**F**. Supervisor Role: The Supervisor must remove the detainee from the threat by placing him/her in Administrative Custody or Protective Custody status. The Supervisor will assess the need for medical attention, and whether or not the place of the assault needs to be made a crime scene. The Supervisor must make a written report to forward to the Bureau Director via the chain-of-command. If the assessment calls for medical attention, the area made into a crime scene, and Detective Division supervisor or designee to be contacted, the Supervisor must make immediate contact with the Bureau Director.

**1.** If the incident involves Immigration detainees, telephonic notification must be made to the local SDDO. If contact is not made within 30 minutes of the telephone call, the Chief of Security must be contacted and made aware that contact with the SDDO has not been made. The Chief of Security will attempt to make contact one final time with the local SDDO. If contact is not made during this attempt, the AFOD will be notified telephonically.

**2.** If the incident involves USMS detainees, the Chief of Security will be notified with the pertinent information of the incident. The Chief of Security will in turn notify the Supervisory Deputy of the USMS.

**3**. If the victim is female, there **must** be a female staff member present during the assessment process.

**4**. Assessments **must** be made by a Supervisor or above and a written report completed and forwarded of all assessments.

**NOTE**: Whenever possible, an assessment of a female shall be made by a female Sergeant or above.

**G.** BCDC shall establish a protocol, and shall require each facility to establish a facility protocol, to ensure that each allegation of sexual abuse is investigated by ICE or facility, or referred to an appropriate investigative authority. BCDC shall ensure that an administrative or criminal investigation is completed for allegations of sexual abuse.

**PREA 115.22(a)**

**H.** BCDC shall ensure that ICE and facility protocols required by paragraph (a) of this section, include a description of responsibilities of ICE, BCDC, and any other investigating entities; and require the documentation and maintenance for at least five years, of all reports and referrals of allegations of sexual abuse.

**PREA 115.22(b)**

**I.** BCDC shall ensure that all allegations are promptly reported to ICE as described in sections (e) and (f) of 115.22, and, unless the allegation does not involve potentially criminal behavior, are promptly referred for investigation to an appropriate law enforcement agency with the legal authority to conduct criminal investigations. BCDC will conduct its own investigations conducted by trained certified staff.

**PREA 115.22(d)**

**J.** When an inmate/detainee at BCDC which an alleged detainee victim is housed is alleged to be the perpetrator or detainee sexual abuse, the facility shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility or the DHS Office of Inspector General, as well as the appropriate ICE Field Office Director, and, if it is potentially criminal, referred to an appropriate law enforcement agency having jurisdiction for investigation.

**PREA 115.22(e)**

**K.** When a staff member, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse, BCDC shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE office of Professional Responsibility or the DHS Office of Inspector General, as well as to the appropriate ICE Field Office Directory, and to the local government entity or contractor that owns or operates the facility. If the incident is potentially criminal, the facility shall ensure that it is promptly referred to an appropriate law enforcement agency having jurisdiction for investigation.

**PREA 115.22(f)**

**L.** An detainee who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint and such grievance is not referred to a staff member who is the subject of the complaint.

**PREA 1152.52(c)(1)(2)**

**M.** Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform detainees of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.

**PREA 115.61(c)**

**N.** Apart from reporting to designated supervisors or investigators, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency guidelines, to make treatment, investigation, and other security and management decisions.

**PREA 115.61(b)**

**O.** If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, BCDC shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

**PREA 115.61(d)**

**P.** BCDC shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to BCDC’s designated investigator.

**PREA 115.61(e)**

**IX. Access to Emergency Medical and Mental Health Services**

**A.** Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infectious prophylaxis, in accordance with professionally accepted standards of care as deemed necessary by the contract medical and mental health provider.

**PREA 115.82(a)**

**B.** Emergency medical treatment services provided to the victim shall be without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**PREA 115.82(b)**

**X. Grievances**

**A.** BCDC shall permit a detainee to file a formal grievance related to sexual abuse at any time during, after, or in lieu of lodging an information grievance or complaint.

**PREA 115.52(a)**

**B.** BCDC shall not impose a time limit on when an detainee may submit a grievance regarding an allegation of sexual abuse. Any portion of an detainee grievance that does not allege an incident of sexual abuse will be subject to time limits as outlined in CO 386 Detainee Grievances.

**PREA 115.52(b)**

**C.** Detainees will be able to file emergency grievances that involve an immediate threat to their safety or welfare and receive written responses, including the basis for the decision, within 24 hours.

1. The staff member receiving the emergency grievance will immediately notify a supervisor.

2. If the supervisor concurs that the grievance represents an emergency, the supervisor will take the required action to resolve the matter in a timely manner.

3. If the matter is resolved at this level, the supervisor will prepare a report for the Shift Commander or his or her designee.

4. The detainee may elect to present his/her emergency grievance directly to a supervisor. Emergency grievances not resolved at the shift level will be sent up the chain of command until the matter is resolved.

**D.** After receiving an emergency grievance alleging an detainee is subject to a substantial risk of imminent sexual abuse, BCDC shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 24 hours, and shall issue a final decision within 5 calendar days. The initial response and final decision documents BCDC’s determination whether the detainee is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

**PREA 115.52(c)**

**E.** Facility staff shall bring medical emergencies to the immediate attention of proper medical personnel for further assessment.

**PREA 115.52(d)**

**F.** BCDC shall issue a decision on the grievance within five days of receipt and shall respond to an appeal of the grievance decision within 30 days. BCDC shall send all grievances related to sexual abuse and BCDC’s decisions with respect to such grievances to the appropriate ICE Field Office Director at the end of the grievance process.

**PREA 115.52(e)**

**G.** Detainees may obtain assistance from another detainee, the housing officer or other facility staff, facility members, or legal representatives. Staff shall take reasonable steps to expedite requests for assistance from these other parties.

**PREA 115.52(f)**

**XI. Prompt and Effective Intervention**

**A**. Staff awareness toward detainees who are victims of sexual assault/abuse is critical. Staff shall take seriously all statements from detainees that they have been victims of sexual assault/abuse and respond supportively and non-judgmentally. Any detainee who alleges that he or she has been sexually assaulted/abused shall be offered immediate protection from the assailant and will be referred for a medical examination as well as a clinical assessment of the potential for suicide or other related symptoms.

**PREA 115.11(a)**

**B.** Upon learning of an allegation that an detainee was sexually abused, the first security staff member to respond to the report shall be required to:

 **1.** Separate the alleged victim and abuser;

 **2.** Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

 **3.** If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;

 **4.** If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.

**PREA 115.64(a)**

**C.** If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

**PREA 115.64(b)**

**D.** Detainees will be reclassified immediately into Administrative or Protective custody status during the investigative process.

**E.** Detainees who are placed in Administrative or Protective custody status may have this as a permanent status if it is determined that they have been sexually assaulted.

**F**. BCDC shall provide services to victims and shall conduct investigations of sexual assault/abuse incidents. Information concerning the identity of an detainee victim reporting a sexual assault/abuse, and the fact of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the detainee-victims welfare and for law enforcement/investigative purposes.

**PREA 115.11(a)**

**G.** Where evidentiarily or medically appropriate, at no cost to the detainee, and only with the detainee’s consent, BCDC shall arrange for an alleged victim detainee to undergo a forensic medical examination by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where practicable. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified health care personnel.Services are made available through the Women’s Center of Jacksonville pursuant with the signed Memorandum of Understanding.

**PREA 115.21(c)**

**H.** As required by a victim, the presence of his or her outside or internal victim advocate, including any available victim advocacy services offered by a hospital conducting a forensic exam, shall be allowed for support during a forensic exam and investigatory interviews. Services are made available through the Women’s Center of Jacksonville pursuant with the signed Memorandum of Understanding.

**PREA 115.21(d)**

**I.** To the extent that BCDC is not responsible for investigating allegations of sexual abuse, ICE or BCDC shall request that he investigating agency follow the requirement of 115.21(a) through (d).

**PREA 115.21(e)**

**J.** If a facility staff member has a reasonable belief that an detainee is subject to a substantial risk of imminent sexual abuse, the staff member shall take immediate action to protect the detainee.

**PREA 115.62(a)**

**XII. Perpetrator Identification**

**A**. When a staff member is alleged to be the perpetrator of detainee sexual assault/abuse, the Bureau Director shall be advised immediately. The Bureau Director shall refer the incident directly to the Corrections Bureau Investigator. The timely reporting of all incidents and allegations is of paramount importance. Staff will be subject to significant disciplinary sanctions for sustained violations of sexual abuse or harassment.

1. Legal Consequences for Staff Sexual Misconduct against Detainees According to Section 951.221, F.S.

 a. Sexual misconduct against detainees, without committing the crime of sexual battery, is a felony of the third degree in the Florida State Statutes.

 b. Consent of an detainee to any act of sexual misconduct may not be raised as a defense to a prosecution under Staff Sexual Misconduct against detainees.

c. Notwithstanding prosecution, if BCDC finds that a member has violated prohibitions against sexual misconduct against detainees, this constitutes sufficient cause for dismissal of the violator and such person may not again be employed in any capacity in connection with the correctional system.

 d. It is important for members to realize that these problems are not limited by the age or gender of the detainee(s) or of the staff member.

**B.** Staff, contractors, and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation.

**PREA 115.66**

**C**. When an detainee is alleged to be the perpetrator, it is the Detention Director’s responsibility to ensure that the incident is promptly investigated and charges filed.

**XIII. Investigative Process**

**A.** Where sexual abuse is alleged, BCDC shall use investigators who have received special training in sexual abuse investigations.

**PREA 115.71(b)**

**1.** In addition to the general training provided to all facility staff and employees pursuant to 115.31, ICE or facility shall provide specialized training on sexual abuse and effective cross-agency coordination to agency or facility investigators, respectively, who conduct investigations into allegations of sexual abuse at immigration detention facilities. All investigations into alleged sexual abuse must be conducted by qualified investigators.

**PREA 115.34(a)**

**2.** BCDC must maintain written documentation verifying specialized training provided to investigators pursuant to this section.

**PREA 115.34(b)**

**B**. If an detainee alleges sexual assault/abuse, a swift and coordinated response is necessary. Investigations will be done so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

**PREA 115.71(a)**

 **1**. Staff shall preserve the crime scene. Evidence will be gathered by the evidence technician/investigator.

 **2**. Based on such factors as availability of in-house expertise and general security considerations, the Corrections Bureau Investigator may use either a staff physician or a local hospital to examine the victim for physical injuries only. The results of the physical examination and all collected physical evidence are to be provided to the Investigator.

 **3**. Appropriate infectious disease testing, as determined by Medical Staff, may be necessary. Part of the investigation process may also include an examination of and collections of physical evidence for the suspected assailant(s).

**C.** Upon conclusion of a criminal investigation where the allegation was substantiated, an administrative investigation shall be conducted. Upon conclusion of a criminal investigation where the allegation was unsubstantiated, BCDC shall review any available completed criminal investigation reports to determine whether an administrative investigation is necessary or appropriate. Administrative investigation s shall be conducted after consultation with the appropriate investigative office within DHS, and the assigned criminal investigative entity.

**PREA 115.71(b)**

**D.** Administrative investigations should include, at minimum:

**1.** Preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring;

 **2.** Interviewing alleged victims, suspected perpetrators, and witnesses;

**3.** Reviewing prior complaints and reports of sexual abuse involving the suspected perpetrator;

**4.** Assessment of the credibility of an alleged victim, suspect, or witness, without regard to the individual’s status as detainee, staff, or employee, and without requiring any detainee to submit to a polygraph;

**5.** An effort to determine whether actions or failures to act at BCDC contributed to the abuse; and

**6.** Documentation of each investigation by written report, which shall include a description of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**PREA 115.71(c)**

**E.** Attention should be taken to ensure that coordination and sequencing between criminal and administrative investigations, in accordance with 115.71(b), to ensure that the criminal investigation is not compromised by an internal administrative investigation.

**PREA 115.71(c)**

**F.** Investigators shall gather and preserved direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims; suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

**G.** When the quality of evidence appears to support criminal prosecution, BCDC shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

**H.** The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person’s status as an detainee or staff.

**I.** Detainees who allege sexual abuse shall not be required to submit to a polygraph examination or other truth-telling devices as a condition for proceeding with the investigation of such an allegation.

**J.** 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.

**K.** Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

**L.** BCDC shall retain all written reports for as long as the alleged abuser is incarcerated in BCDC or employed by BCDC, plus five years.

**PREA 115.71(c)**

**PREA 115.87(a)**

**M.** The departure of the alleged abuser or victim from the employment or control of BCDC or agency shall not provide a basis for terminating an investigation.

**PREA 115.71(e)**

**N.** When another state entity or the Department of Justice is contacted to conduct an investigation, that entity shall do so pursuant to the above requirements.

**O.** When an outside agency investigates a case of sexual abuse, BCDC shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**PREA 115.71(f)**

**P.** When an administrative investigation is undertaken, BCDC shall impose no standard higher than the preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**PREA 115.72(a)**

**XIV. EVIDENCE COLLECTION**

To the extent that ICE or facility is responsible for investigating allegations of sexual abuse involving detainees, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evident for administrative proceedings and criminal prosecutions. The protocol shall be developed in coordination with DHS and shall be developmentally appropriate for juveniles, where applicable.

**PREA 115.21(a)**

This portion of guideline has been adapted from the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents.

BCDC developing an evidence protocol referred to in paragraph (a) of this section, shall consider how best to utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention and counseling to most appropriately address victims’ needs. Each facility shall establish procedures to make available, to the full extent possible, outside victim services following incidents, of sexual abuse; BCDC shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, BCDC shall provide these services by making available a qualified staff member from a community-based organization, or a qualified agency staff member. A qualified agency staff member or a qualified community-based staff member means an individual who has received education concerning sexual assault and forensic examination issues in general. The outside or internal victim advocate shall provide emotional support, crisis intervention, information, and referrals.

**PREA 115.21(b)**

**Investigators assigned to investigate sexual assault in the detention facility will:**

A. Ensure that the victim does not contaminate or destroy evidence by bathing, showering, or urinating.

B. Determine what clothing was worn by the victim at the time of the incident. If the victim has changed clothes, locate and secure each item of clothing in a separate paper bag, as evidence. (The deputy should observe appropriate biohazard precautions when handling this type of evidence, i.e., rubber gloves, biohazard labels, etc.)

C. It is critical to air-dry wet evidence at room temperature in a clean, sterile environment and quick manner that prevents contamination. A drying box or other device may be used to facilitate the drying process.

D. When packaging dry evidence, use paper containers rather than plastic, because plastic containers retain moisture and promote degradation of biological evidence. Following proper drying and packaging procedures is vital to prevent the growth of mold and bacteria that can destroy an evidentiary sample.

E. Transit time between collection of evidence and storage of kits will be minimal. To avoid potential degradation of evidence, it is important to transport kits containing liquid samples and other wet evidence in a timely fashion.

F. Those involved in evidence management and distribution should be educated on the specifics of these procedures and their responsibilities.

G. Those involved in storing biological evidence should be knowledgeable regarding optimal storage conditions as well as the hazards for handling and storing evidence such as blood and urine.

H. Examiners must maintain control of evidence during the exam, while evidence is being dried, and until it is in the kit container and sealed.

I. Documentation should continue with each transfer of the evidence to law enforcement, the crime laboratory, and others involved in the investigative process.

J. Evidence collected is used in four potential ways in sexual assault cases:

 1. To identify the suspect;

 2. To document recent sexual contact;

 3. To document force, threat, or fear; and

 4. To corroborate the facts of the assault.

K. Be aware of and document evidence and injuries that may be pertinent to the issue of whether the patient consented to the sexual contact with the suspect. However, the absence of physical trauma does not mean that coercion/force was not used or prove that patients consented to sexual contact.

**XV. Retaliation on Those that Report Abuse**

**A.** Staff, contactors, and volunteers, and detainees, shall not retaliate against any person, including an detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force.

**PREA 115.67(a)**

**B.** BCDC will protect all detainees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or harassment investigations from intimidation or retaliation by other detainees or staff. Protection measures may include, but are not limited to: housing changes or transfers for detainee victims or abusers, removal of alleged staff or detainee abusers from contact with the victims, and emotional support services.

**PREA 115.67(b)**

**1.** The Classification Deputy will be responsible for the monitoring of possible intimidation/retaliation of detainee victims. Monitoring will last for a period of (90) days to include: any detainee disciplinary reports, housing changes, program changes, or any negative performance reviews or reassignments of staff. Monitoring shall include periodic status checks. Monitoring may be continued if the initial monitoring indicates a continued need for such.

**PREA 115.67(c)(d)**

 **2.** If any other individual who cooperates with an investigation expresses a fear of retaliation, BCDC shall take appropriate measures to protect that individual against retaliation.

**PREA 115.67(e)**

**XVI. Ongoing Care for Victims**

**A.** BCDC shall offer medical and mental health evaluation and, as appropriate, treatment to all detainees who have been victimized by sexual abuse while in the detention facility.

**PREA 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 in, other facilities, or their release from custody.

**PREA 115.83(b)**

**C.** BCDC shall provide such victims with medical and mental health services consistent with community level care.

**PREA 115.83(c)**

**D.** Detainee victims of sexually abusive vaginal penetration by a male abuser while incarcerated shall be offered pregnancy tests. If pregnancy results from an instance of sexual abuse, the victim shall receive timely and comprehensive information about lawful pregnancy-related medical services and timely access to all lawful pregnancy-related medical services.

**PREA 115.83(d)**

**E.** Detainee victims of sexual abuse while detained shall be offered tests for sexually transmitted infections as medically appropriate.

**PREA 115.83(e)**

**F.** Treatment services shall be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**PREA 115.83(f)**

**G.** BCDC shall attempt to conduct a mental health evaluation of all known detainee-on-detainee abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

**PREA 115.83(g)**

**H.** BCDC shall provide detainees with access to outside victim advocate services for emotional support related to sexual abuse by giving detainees mailing addresses and telephone numbers for such services available. Advocacy and counseling services are available upon request through the signed Memorandum of Understanding between BCDC and the Women’s Center of Jacksonville.

**PREA 115.53(a)(b)**

**I.** BCDC shall inform detainees, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

**PREA 115.53(d)**

**XVII. Reporting to Detainees**

**A.** Following an investigation into an detainee’s allegation that he or she suffered sexual abuse in the detention facility, BCDC shall inform the detainee as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded and any responsive action taken.

**PREA 115.73(a)**

**B.** Following an detainee’s allegation that a staff member has committed sexual abuse against the detainee, BCDC shall subsequently inform the detainee (unless BCDC has determined that the allegation is unfounded) whenever:

 1. The staff member is no longer posted within the detainee’s unit;

 2. The staff member is no longer employed at BCDC;

 3. BCDC learns that the staff member has been indicted on a charge related to sexual abuse within BCDC; or

4. BCDC learns that the staff member has been convicted on a charge related to sexual abuse within BCDC.

**C.** Following an detainee’s allegation that he or she has been sexually abused by another detainee, BCDC shall subsequently inform the alleged victim whenever:

1. BCDC learns that the alleged abuser has been indicted on a charge related to sexual abuse within BCDC; or

2. BCDC learns that the alleged abuser has been convicted on a charge related to sexual abuse within BCDC.

**D.** All such notifications or attempted notifications are documented.

**E.** The obligation to report shall terminate if the detainee is released from BCDC.

**F.** If BCDC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the detainee.

**G.** BCDC shall take care to place detainee victims of sexual abuse in a supportive environment that represents the least restrictive housing option possible (e.g. protective custody), subject to the requirements of §115.43.

**PREA 115.68(a)**

**H.** Detainees at high risk of 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 an assessment cannot be made immediately, the detainee may be placed in to protective custody status for a term not to exceed 24 hours while such an assessment is completed.

**PREA 115.43(a)**

**I.** Use of administrative segregation by facilities to protect detainees vulnerable to sexual abuse or sexual assault shall be restricted to those instances where reasonable efforts have been made to provide appropriate housing and shall be made for the least amount of time practicable, and when no other viable housing options exist, as a last resort. BCDC should assign detainees vulnerable to sexual abuse or assault to administrative segregation for their protection until an alternative means of separation for likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

**PREA 115.43(b)**

**J.** Facilities that place vulnerable detainees in administrative segregation for protective custody shall provide those detainees access to programs, visitation, counsel and other services available to the general population to the maximum extent practicable.

**PREA 115.43(c)**

**K.** The facilities shall implement written procedures for the regular review of all vulnerable detainees placed in administrative segregation for their protection, as follows: (Also see CO 334 Special Management Unit, V. Guideline, C. Administrative Confinement)

1. A supervisory staff member shall conduct a review within 72 hours of the detainee’s placement in administrative segregation to determine whether segregation is still warranted; and

2. A supervisory staff member shall conduct, at a minimum, an identical review after the detainee has spent seven days in administrative segregation, and every week thereafter for the first 30 days, and every 10 days thereafter.

**PREA 115.43(d)**

**L.** BCDC shall notify the appropriate ICE Field Office Director no later than 72 hours after the initial placement into segregation, whenever a detainee has been placed in administrative segregation on the basis of a vulnerability to sexual abuse or assault.

**PREA 115.43(e)**

**M.** An detainee victim of sexual abuse who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a proper re-assessment, taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse.

**PREA 115.68(c)**

**XVIII. Disciplinary Sanction for Detainees**

**A.** BCDC shall subject detainees to disciplinary sanctions pursuant to a formal disciplinary process following an administrative or criminal finding that the detainee engaged in sexual abuse.

**PREA 115.78(a)**

**B.** Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the detainee’s disciplinary history, and the sanctions imposed for comparable offenses by other detainees with similar histories.

**C.** Detainees will be issued a disciplinary report and be subject to the disciplinary system as described in facility guideline CO 350 Detainee Disciplinary System. The disciplinary system contains progressive levels or reviews, appeals, procedures and documentation procedures.

**PREA 115.78(c)**

**D.** The disciplinary process shall consider whether an detainee’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Detainees will be offered therapy, counseling, and other interventions designed to address and correct the underlying reasons or motivations for sexual abuse.

**PREA 115.78(d)**

**E.** BCDC may require the offending detainee to participate in such interventions, therapy, or counseling as a condition of access to programming and other benefits.

**F.** Detainees may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

**PREA 115.78(e)**

**G.** For the purpose of disciplinary actions, a report of sexual abuse made in good faith based upon a reasonable believe that the alleged conduct occurred shall not constitute falsely report an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**PREA 115.78(f)**

**XIX. Disciplinary Sanctions for Staff / Contractors / Volunteers**

**A.**  Disciplinary sanctions for B.C.D.C. staff are outlined in MB 110 Misconduct Investigations and Disciplinary Procedures.

**B.** All staff shall be subject to disciplinary or adverse action up to and including removal from their position and the Federal service for substantiated allegations of sexual abuse or for violating facility sexual abuse policies. Removal from their position and from the Federal service is the presumptive disciplinary sanction for staff who have engaged in or attempted or threatened to engage in sexual abuse as defined under the definition of sexual abuse of an detainee by a staff member, contactor, or volunteer.

**PREA 115.76(b)**

**C.** BCDC shall report all removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to appropriate law enforcement agencies, unless the activity was clearly not criminal.

**PREA 115.76(c)**

**D.** BCDC shall make reasonable efforts to report removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to any relevant licensing bodies, to the extent known.

**PREA 115.76(d)**

**E.** Any contractor or volunteer who has engaged in sexual abuse shall be prohibited from contact with detainees. BCDC shall make reasonable efforts to report to any relevant licensing body, to the extent known, incidents of substantiated sexual abuse by a contractor or volunteer. Such incidents shall also be reported to law enforcement agencies, unless the activity was clearly not criminal.

**PREA 115.77(a)**

**F.** Contactors and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation.

**PREA 115.77(b)**

**G.** BCDC shall take appropriate remedial measures, and shall consider whether to prohibit further contact with detainees by contractors or volunteers who have not engaged in sexual abuse, but have violated other provisions within these standards. Remedial measures may include additional PREA related training as determined by the Detention Director.

**PREA 115.77(c)**

**XX. Sexual Abuse Incident Reviews**

**A.** Sexual abuse incident reviews will be conducted at the conclusion of every sexual abuse investigation, including those investigations that have been closed as unfounded.

**PREA 115.86(a)**

**B.** Reviews will be conducted within 30 days of the conclusion of the investigation by a review team comprised of the Chief of Security, B.C.D.C. Investigator, a line supervisor, and the Health Service Administrator.Reviews shall:

1. Consider whether the allegation or investigation indicated a need to change guideline or practice to better prevent, detect, or respond to sexual abuse;

2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at BCDC;

3. Examine the area in BCDC where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

4. Assess the adequacy of staffing levels in the area during different shifts;

5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this paragraph and any recommendations for improvement and submit such report to BCDC head and PREA Coordinator.

**PREA 115.86(b)**

**C.** BCDC shall implement the recommendations for improvement, or shall document its reasons for not doing so.

**PREA 115.86(e)**

**D.** BCDC shall conduct an annual review of all sexual abuse investigations and resulting incident reviews to assess and improve sexual abuse intervention, prevention and response efforts. If BCDC has not had any reports of sexual abuse during the annual reporting period, then BCDC shall prepare a negative report. The results and findings of the annual review shall be provided to BCDC administrator, Field Office Director or his or her designee, and ICE PSA Coordinator.

**PREA 115.86(c)**

**XXI. Reporting to Other Confinement Facilities**

**A.** Upon receiving an allegation that an detainee was sexually abused while confined at another facility, Bureau Director or his designee shall notify the head of BCDC or appropriate office of ICE where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

 **PREA 115.63(a)(b)**

**B.** Documentation shall be made stating that such notification has been made.

**PREA 115.63(c)**

**C.** Upon notification from a different confinement facility to the Baker County Detention Center Bureau Director that a sexual assault has occurred in the Baker County Detention Facility, the Bureau Director shall ensure that the allegation is investigated in accordance with PREA standards.

**XXII. Data Collection**

**A.** BCDC shall collect accurate, uniform data for every allegation of sexual abuse reported. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

**PREA 115.87(a)(c)**

**B.** BCDC shall aggregate the sexual abuse data at least annually in order assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions.

**PREA 115.87(b)**

**PREA 115.88(a)**

**C.** Such reports shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of BCDC’s progress in addressing sexual abuse.

**PREA 115.88(b)**

**D.** BCDC’s report shall be approved by ICE head and made readily available to the public through the Baker County Sheriff’s Office website at least annually.

**PREA 115.88(c)**

**PREA 115.89(b)**

**E.** BCDC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of BCDC, but must indicate the nature of the material redacted. Before making aggregated sexual abuse data publicly available, BCDC shall remove all personal identifiers.

**PREA 115.88(d)**

**PREA 115.89(c)**

**F.** BCDC shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

**PREA 115.87(d)**

**G.** Upon request, BCDC shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**PREA 115.87(f)**

**H.** BCDC shall ensure that data collected is securely retained. Sexual abuse data collected shall be maintained for at least 10 years after the date of initial collection unless required otherwise by federal, state, or local law.

**PREA 115.89(a)(d)**

**XXIII. Detainees with Disabilities and Detainees Who Are Limited English Proficient**

**A.** BCDC shall take appropriate steps to ensure that detainees with disabilities (including, for example, detainees who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of BCDC’s efforts to prevent, detect, and respond to sexual abuse. Such steps shall include, when necessary to ensure effective communication with detainees who are deaf or hard of hearing, providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. In addition, BCDC shall ensure that any written materials related to sexual abuse are provided in formats or through methods that ensure effective communication with detainees with disabilities, including detainees who have intellectual disabilities, limited reading skills, or who are blind or have low vision. BCDC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activities, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.

**PREA 115.16(a)**

**B.** Upon intake of a new detainee, booking staff will make best effort in an attempt to identify those detainees considered to be limited English proficient. If an detainee is identified to be limited English proficient, the detainee’s preferred language of choice will be notated in the Jail Booking system with a “Special Requirement” tab for LEP. A notation will be made stating the language of choice and documentation will be made on the PREA Orientation Form. Notification will be sent to the Classifications Deputy and the PREA Coordinator prior to the end of shift.

**C.** Upon notification from the booking supervisor, the Classifications Deputy along with the PREA Coordinator will conduct an interview using the interpreter service language line in order to complete their Sexual Assault Education. Notation will be made on the PREA Education Acknowledgement form. The requested language that was used for the interview will be document in the form.

**D.** Refer to SOG MB 119 Americans with Disabilities Act and Interpretive Services for further guidance.

**XXIV. Upgrades to Facilities and Technologies**

**A.** When designing or acquiring any new facility and in planning any substantial expansion or medication of existing facilities, BCDC or agency, as appropriate, shall consider the effect of the design, acquisition, expansion, or modification upon their ability to protect detainees from sexual abuse.

**PREA 115.18(a)**

**B.** When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology in an immigration detention facility, BCDC or agency, as appropriate, shall consider how such technology may enhance their ability to protect detainees from sexual abuse.

**PREA 115.18(b)**

**XXV. PREA Audits**

**A.** During the three-year period starting on August 20, 2013, and during each three-year period thereafter, ICE shall ensure that BCDC is audited at least once.

 **PREA 115.401(a)**

**B.** The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that BCDC may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist ICE with PREA-related issues.

**PREA 115.401(c)**

**C.** BCDC shall bear the burden of demonstrating the compliance with the standards.

**PREA 115.401(e)**

 **D.** The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.

**PREA 115.401(f)**

**E.** The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

**PREA 115.401(g)**

**F.** The auditor shall have access to, and shall observe, all areas of the audited facilities.

**PREA 115.401(h)**

**G.** The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

**PREA 115.401(i)**

**H.** The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

**PREA 115.401(j)**

**I.** The auditor shall interview a representative sample of detainees, residents, and detainees, and of staff, supervisors, and administrators.

**PREA 115.401(k)**

**J.** The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.

**PREA 115.401(l)**

**K.** The auditor shall be permitted to conduct private interviews with detainees, residents, and detainees.

**PREA 115.401(m)**

**L.** Detainees, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

**PREA 115.401(n)**

**M.** Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

**PREA 115.401(o)**



**Baker County Detention Center**

**PREA Coordinated Response Plan for Allegations of Sexual Abuse**

**Front Line Staff:**

Upon learning of an allegation that an detainee was sexually abused, the first security staff member to respond to the report shall be required to:

1. Separate the alleged victim and abuser;
2. Notify medical of the report so that emergent injuries are addressed;
3. Notify the immediate supervisor;

 **2.** Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

 **3.** If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;

If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

**Shift Commander or Officer in Charge:**

The Shift Commander or Officer in Charge shall make transport arrangements for the victim should he/she need emergent medical treatment from a nearby hospital or agree to a forensic examination at the Rape Crisis Center.

The Shift Commander or Officer in Charge shall notify BCDC Inspector, the Chief of Security, as well as the PREA Coordinator of any PREA allegations as soon as practical.

The Shift Commander or Officer in Charge will assist BCDC Inspector upon their arrival into BCDC.

**Medical Staff:**

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services as deemed necessary by the contract medical and mental health provider.

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.

BCDC shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE’s) or Sexual Assault Nurse Examiners (SANE’s) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. ICE shall document its efforts for provide SAFEs or SANEs.Services are made available through the Women’s Center of Jacksonville pursuant with the signed Memorandum of Understanding.

Follow up medical and mental health appointments will be conducted as saw fit by BCDC providers.

If a victim of sexual abuse is transferred to another facility covered by subpart A and B of 115.65, the facility shall as permitted by law, inform the receiving facility of the incident and the victim’s potential need for medical or social services, If a victim is transferred from a DHS immigration detention facility to a facility not covered by paragraph (c) of 115.65, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim’s potential need for medical or social services, unless the victim requests otherwise.

**Detention Center Inspector:**

The Inspector will ensure that a thorough investigation into the report is completed to include interviews of those involved, review of any available video footage, determine if staff actions or failure to act contributed to abuse, review prior complaints reference to the perpetrator, etc.

Substantiated allegations appearing to be criminal shall be referred for prosecution.

BCDC Inspector will notify the victim in writing at the formal conclusion of the investigation.

**Facility Administration:**

Classification will determine best appropriate housing for the victim and the alleged abuser. Classification staff will also begin retaliation monitoring protocols.

The PREA Coordinator will work closely with the Inspector in order to come to a timely and satisfactory outcome. At the conclusion of the incident, the PREA Coordinator will cause for an Incident Review to be completed with the multi-disciplinary panel should the outcome be either Substantiated or Unsubstantiated. An outcome of Unfounded will not cause for the panel to convene.

PREA 115.65

***Complaint of Sexual Abuse/Harassment***

***Detainee / detainee reports abuse/harassment via written request, verbally, third party hotline, or family reports via website***

***Shift Supervisor is notified along with Medical staff.***

***Chief of Security and PREA Coordinator notified.***

**Alleged victim is notified of outcome of report (Substantiated, Unsubstantiated, Unfounded)**

**Incident Review Team will convene to complete multi-disciplinary review of the incident.**

**Classification is notified for housing re-assignment (if applicable). Classification begins 90 day retaliation monitoring for alleged victim and witnesses.**

**Mental health and Victims Advocate services available to alleged victim.**

**Staff member moved to different assignment (if applicable).**

**Charges filed with State Attorney’s Office if evidence warrants prosecution.**

**Investigative staff is notified and begins criminal investigation / internal investigation.**

***Detainee / detainee victim is brought to medical for treatment / referral to Rape Crisis Center.***

***Detainee / detainee perpetrator is secured in solitary dry cell.***