

GEORGIA DEPARTMENT OF CORRECTIONS  <b>Standard Operating Procedures</b>		
<b>Policy Name: PRISON RAPE ELIMINATION ACT – PREA</b>  <b>SEXUALLY ABUSIVE BEHAVIOR PREVENTION AND INTERVENTION PROGRAM</b>		
<b>Policy Number:</b> 208.06	<b>Effective Date:</b> 12-01-2014	<b>Page Number</b> 1 of 33
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**I. Introduction and Summary:**

The Department of Corrections has a zero tolerance policy toward all forms of sexual abuse, sexual harassment and sexual activity among inmates. The purpose of this policy directive is to further strengthen the Department’s efforts to prevent all forms of sexual abuse, sexual harassment and sexual activity among inmates by implementing key provisions of the U.S. Department of Justice’s standards for the prevention, detection, and response to sexual abuse in confinement facilities, in accordance with the Prison Rape Elimination Act of 2003 (PREA).<sup>1</sup>

This document clarifies the Department’s zero tolerance policy and provides guidelines to address the following prohibited and/or illegal sexually abusive behavior involving:

- Inmate perpetrator against staff victim.
- Inmate perpetrator against inmate victim.
- Staff perpetrator against inmate victim.

These guidelines are provided to:

- Help **detect** incidents, perpetrators, and inmate victims of sexually abusive behavior.
- Help **prevent** sexually abusive behavior.
- Educate staff to **intervene** properly and in a timely manner.
- **Document, report, and investigate** reported incidents.
- **Discipline** and/or **prosecute** perpetrators.

The protection and safety of staff who are sexually victimized is a top priority. The Department recognizes that addressing inappropriate sexual behavior by inmates towards staff furthers the objectives of PREA by increasing the overall security and safety of institutions. The Department also has zero tolerance for sexual abuse of a staff member by an inmate, detainee, or resident.

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<sup>1</sup> The U.S. Department of Justice PREA standards are published at 28 CFR Part 115, et seq.

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**II. Authority:**

This policy replaces IIA21-0001 Prison Rape Elimination Act (PREA)-Sexual Assault of/Sexual Misconduct with Offenders  
 O.C.G.A. § 16-6-5.1  
 28 CFR Part 115 Prison Rape Elimination Act National Standards  
 IIA04-0002 Incident Report  
 IIB02-0001 Inmate Discipline  
 IIB05-0001 Statewide Grievance Procedure  
 IIB09-0001 Administrative Segregation  
 IK01-0005 Crime Scene Preservation  
 IK01-0006 Investigation of allegations of sexual contact, Sexual Abuse, and Sexual Harassment of Offenders  
 VG55-0001 Mental Health Management of Suspected Sexual Abuse, Contact or Harassment  
 VG34-0001 MH/MR Discipline Procedures  
 VH25-0001 Receiving Screening  
 VH25-0003 Health Assessment and Medical Diagnostics  
 VH30-0001 Mental Health/Mental Retardation Reception Screening  
 VH50-0001 Women’s Health Services  
 VH78-0002 Confidentiality of Health Record and Release of Information  
 VH81-0001 Medical Management of Suspected Sexual Abuse  
 VH85-0002 Medical Management of Suspected Sexual Assault, Abuse, Harassment  
 ID01-0001 Records Management

**III. Definitions:**

- A. **Community confinement facility** for purposes of the Department includes Transitional Centers.
- B. **Direct staff supervision** means that security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.
- C. **Exigent circumstances** mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

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- D. **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
- E. **Intersex** means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- F. **Juvenile** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- G. **Sexual abuse** of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  2. Contact between the mouth and the penis, vulva, or anus;
  3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- H. **Sexual abuse** of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  2. Contact between the mouth and the penis, vulva, or anus;
  3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
  4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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

I. **Sexual harassment** includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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

K. **Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

L. **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.

M. **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

N. **Youthful inmate** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

IV. **Statement of Policy and Applicable Procedures:**

The Department hereby adopts, implements, and follows the standards outlined in the

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Prison Rape Elimination Act (PREA) Standards found at 28 CFR Part 115. Through the adoption of the PREA Standards, the Department seeks to eliminate sexual abuse and sexual harassment of offenders in custody. The Department will not tolerate any form of sexual abuse or sexual harassment of any offender.

Offenders who engage in consensual sexual contact with another offender, attempt to engage in or solicit such contact, or help another engage in sexual contact with an offender will be disciplined in a progressive manner with each occurrence. An offender who engages in sexual contact with another offender without that offender’s consent will be disciplined progressively and referred for criminal prosecution.

Staff members who engage in sexual abuse or sexual harassment with an offender will be subject to disciplinary action, up to and including termination and banishment from all Georgia correctional institutions, whichever action is applicable. Additionally, staff members who engage in sexual abuse with an offender will be subject to criminal prosecution. Pursuant to O.C.G.A. § 16-6-5.1, it is a felony for correctional staff to have sexual contact with an offender.

**A. PREVENTION PLANNING**

1. The Department shall employ or designate an upper-level, **Department PREA Coordinator** with sufficient time and authority to develop, implement, and oversee Department efforts to comply with the PREA standards in all of its facilities.

The Warden at each institution must ensure that all aspects of this policy are implemented, including maintaining a written LOCAL PROCEDURE DIRECTIVE (Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive) for response to sexual allegations. He/she must assign an Institution PREA Compliance Manager, who has sufficient time and authority to develop, implement and oversee the facility efforts to comply with PREA standards.

**LOCAL PROCEDURE DIRECTIVE**

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Each institution is required to have a current written LOCAL PROCEDURE DIRECTIVE (Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive) in place at the local level, which reflects that institution’s unique characteristics and specifies how each institution will respond to sexual allegations and the notification procedures followed for reports of sexual allegations. At a minimum it will include:

- a) Specification of Staff Member(s) responsible for:
  1. Staff training activities to ensure a coordinated response to a report of sexually abusive behavior.
  2. Inmate education regarding issues pertaining to sexually abusive behavior.
  3. Notification Procedures to be followed when sexually abusive behavior occurs.
- b) Responding to the Inmate Victim:
  1. Providing security to any inmate who alleges that he/she is the victim of sexually abusive behavior; and,
  2. Identifying entities responsible for providing medical assessment and treatment of the victim of a sexual assault.
- c) Monitoring the Inmate Perpetrator:
  1. Monitoring or managing the perpetrator in a way that minimizes the risk of future predation;
  2. Describing the system in place to ensure that the institutional staff is notified of inmates with a serious sexual predation history or who are “at risk” of engaging in sexually abusive behavior and or inmates who are “at risk” of sexual victimization while in GDC custody.
2. The Department will ensure that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards and that any new contract or contract renewal shall provide for Department contract monitoring to ensure that the contractor is complying with the PREA standards.
3. To enhance the supervision and monitoring, each facility shall develop, document, and make its best efforts to comply on a regular basis with the

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established staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations on the Daily Post Roster.

Each facility shall, in consultation with the **Department's PREA Coordinator**, assess, determine, and document whether adjustments are needed to the established staffing plan and the deployment of video monitoring systems. This review will be conducted on an annual basis.

Unannounced rounds by supervisory staff conducted with the intent of identifying and deterring sexual abuse and sexual harassment are required to be conducted every week, including all shifts and all areas. These rounds will be documented in the area log books. In addition, the institutional Duty Officer is required to conduct and document unannounced rounds. These rounds will be documented in the local Duty Officer Log book.

#### 4. **Youthful inmates.**

- a) A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- b) In areas outside of housing units, either:
  1. Maintain sight and sound separation between youthful inmates and adult inmates, or
  2. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
- c) Best shall be efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, youthful inmates shall not be denied daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

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**5. Limits to cross-gender viewing and searches.**

- a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- b) The facility shall not conduct cross-gender pat searches of female inmates, absent exigent circumstances. This requirement shall not restrict female inmate’s access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- c) The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.
- d) The facility shall implement procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Inmates should only shower, perform bodily functions, and change clothing in designated areas (e.g. cells, shower rooms, bathrooms).
- e) Staff of the opposite gender shall announce their presence when entering an inmate housing unit. Staff are not required to make announcements when responding to temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility, or when incidental to routine cell checks, to include circumstances such as responding to alarms, contraband detection, or detecting behavior which would constitute an inmate prohibited acts, for example. Inmates will be notified of the presence of opposite-gender staff members in several ways:  
 Inmates are advised of the requirement to remain clothed, and the presence of cross-gender staff generally, during the Intake Screening process and the Admission and Orientation process.
  - The following notice will be posted on inmate bulletin boards and or signs within housing units, including segregated housing areas:



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“NOTICE TO INMATES: Male and female staff routinely work and visit inmate housing areas.”

For housing unit officers, a general announcement is made at the beginning of primary shifts and shall be documented in logbook. The verbal announcement to each housing unit, including segregated housing areas, will be “Male and female staff routinely work and visit inmate housing areas.” This announcement is made using the general public address system where available. If the public address system does not cover these areas, an individual announcement in each housing area, including segregated housing areas, is made.

- For staff members with offices in the housing units, the most recent schedule is posted in the unit so inmates are aware of when opposite-gender staff is present.

An announcement shall be made when an opposite-gender staff member comes into a unit area who is not the assigned housing unit officer, and must go into individual cells, showers, or bathroom areas.

Nothing in this section should preclude opposite-gender staff from viewing live or recorded video, or participating in an inmate suicide watch.

- f) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The provision does not limit searches of inmates to ensure the safe and orderly running of the institution.
  - g) The Department shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
6. **Inmates with disabilities and inmates who are limited English proficient.**
- a) The local PREA Compliance Manager shall ensure the appropriate resources are made available to ensure the facility is providing effective communication

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accommodations when a need for such an accommodation is known. Staff shall take reasonable action to ensure that available methods of communication are provided to all inmates with disabilities and inmates who are limited English proficient for complete access to its efforts of preventing, detecting, and responding to sexual abuse and sexual harassment. Internal staff resources will be used where available.

- b) The facility shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first response duties under 28 CFR § 115.64, or the investigation of the inmate’s allegations.

**7. Hiring and promotion decisions.**

- a) The Department shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor, who may have contact with inmates, who:
  - 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.
- b) The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- c) Before hiring new employees who may have contact with inmates, the Department shall:
  - 1. Ask all applicants and employees who may have contact with inmates directly about previous misconduct described in IVO03-0001 in written applications or interviews for hiring and promotions and any written interview or written self-evaluations conducted as part of reviews of

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current employees. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

2. Conduct Criminal History Record checks on all P.O.S.T and non P.O.S.T certified positions every 5 years.
3. Perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- d) Unless prohibited by law, the Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
 

The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.
8. All new or existing facility designs and modifications and upgrades of technology will include consideration of how it could enhance the Department’s ability to protect inmates against sexual abuse. The PREA Coordinator shall be consulted in the planning process.

**B. RESPONSIVE PLANNING**

1. Evidence protocol and forensic medical examinations.
  - a) The facility shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
  - b) The Department’s response to sexual assault follows the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” dated April 2013, or the most current version.
 

When there is a report of a recent incident of sexual abuse, or there is a strong suspicion that a recent serious assault may have been sexual in nature, a physical examination of the alleged victim is conducted and SANE protocol is initiated, see Local Procedure Directive (Attachment 7 – SANE Nurse Evaluation and Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive). The victim is provided the opportunity for a forensic examination as soon as possible. Physical evidence collection may also include an

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examination of and collection of physical evidence from the suspected perpetrator(s).

- c) The Institution PREA Compliance Manager, with the assistance of local Medical or Mental Health personnel and under the direction of the Warden, shall attempt to enter into agreement with a rape crisis center to make available a victim advocate to inmates being evaluated for the collection of forensic evidence. Any agreement must be approved through the Legal Office prior to implementation. If an agreement is not reached, efforts must be documented. Local staff shall be identified who have received specialized training in rape crisis and victim advocacy. Documentation of training must be maintained by employee's manager.
- d) Victim advocates from the community used by the facility shall be pre-approved through the appropriate screening process and subject to the same requirements of contractors and volunteers who have contact with inmates. The victim advocate serves as emotional and general support, navigating the inmate through the treatment and evidence collection process. The victim advocate has access to the inmate similar to that of medical staff at the facility. He/she is not authorized to make decisions regarding inmate care, or interfere with escort procedures.
- e) If an external agency is responsible for investigating the allegations of sexual abuse the Department shall request that the investigating agency follow the requirements of (a) through (d) of this section.
- f) The requirements of paragraphs (a) through (e) of this section shall also apply to any entity outside of the Department that is responsible for investigating allegations of sexual abuse in prisons or jails.
- g) An administrative or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment. Allegations that involve potentially criminal behavior will be referred for investigation to the Office of Investigations and Compliance "OIC".
- h) In the event the investigation is referred to an outside entity that entity shall have in place a policy governing the conduct of such investigations.

**C. TRAINING AND EDUCATION**

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1. Participation in training must be documented through employee signature or electronic verification. Participation documentation will note that employees understood the training they have received by signing Attachment 1 – IIA21-0001 ATT1 Employee Acknowledgement Statement. This form will be retained in the employee’s local personnel file. At the conclusion of the training, employees are asked to seek additional supervisory direction, if necessary, to ensure understanding of the training.
2. **Employee training.**
  - a) All Departmental employees shall be required to attend training annually on:
    1. The Department’s zero-tolerance policy for sexual abuse and sexual harassment;
    2. How to fulfill their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
    3. Inmates’ right to be free from sexual abuse and sexual harassment;
    4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
    5. The dynamics of sexual abuse and sexual harassment in confinement;
    6. The common reactions of sexual abuse and sexual harassment victims;
    7. How to detect and respond to signs of threatened and actual sexual abuse;
    8. How to avoid inappropriate relationships with inmates;
    9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
    10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
  - b) In-service training shall take the gender of the inmate population at each facility into account. Transferring staff members shall receive gender-appropriate training, as needed.
  - c) New employees shall receive PREA training during Pre-Service Orientation.
  - d) Specialized Training shall be required for members of SART and any other staff who are likely to be most involved in the management and treatment

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of sexually abused victims and the perpetrators (Health Services staff, Lieutenants, etc.). SART Training shall be required for all team members.

**3. Volunteer and contractor training.**

- a) The Department shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Department’s PREA policies and procedures.
- b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the Department’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- c) Participation must be documented through volunteer and contractor signature or electronic verification, and will indicate that the volunteer and contractor understood the training they have received by signing Attachment 3 – IIA21-0001 ATT3 Contractor/Volunteer Acknowledgement Statement. At the conclusion of the training, volunteers and contractors are asked to seek additional direction from Department staff, if necessary, to ensure understanding of the training.

**4. Inmate education.**

PREA training shall be provided to every inmate within 72 hours of arrival of a facility whether it be by new intake or transfer. In the case of exigent circumstances, such training may be delayed, but no more than 30 days, until such time as is appropriate for delivery (i.e. Tier Program, medical issues, etc.). This is documented in the same manner as for inmates who participated during the regularly scheduled orientation.

- a) During the Orientation at each facility, a designated staff member will present the program. This presentation must include:
  - The Department’s zero tolerance of sexual abuse and sexual harassment.
  - Definitions of sexually abusive behavior and sexual harassment.
  - Prevention strategies the inmate can take to minimize his/her risk of sexual victimization while in Department custody.
  - Methods of reporting an incident of sexually abusive behavior against oneself, and for reporting allegations of sexually abusive behavior

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involving other inmates.

- Methods of reporting an incident of sexual harassment against oneself, and for reporting allegations of sexual harassment involving other inmates.
- Treatment options and programs available to inmate victims of sexually abusive behavior and sexual harassment.
- Monitoring, discipline, and prosecution of sexual perpetrators.
- Notice that male and female staff routinely work and visit inmate housing areas.

**Inmate PREA education shall be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.**

- b) The facility shall maintain documentation of inmate participation in these education sessions in the inmate's institutional file.
  - c) In each housing unit, the following will be posted:
    1. A notice to inmates stating, "Male and female staff routinely work and visit inmate housing areas."
    2. A poster reflecting the Department's zero tolerance for sexual abuse and harassment and contact information for inmate reporting of sexual abuse allegations.
  - d) Posters reflecting the Department's zero tolerance shall be posted in common areas throughout the facility, including entry, visitation and staff areas.
5. **Specialized training: Investigations.**
- a) The OIC shall ensure Investigators are appropriately trained in conducting investigation in confinement settings.
  - b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
  - c) The Department shall maintain documentation that investigators have completed the required specialized training in conducting sexual abuse investigations.

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- d) Any outside entity that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.
- 6. **Specialized training: Medical and mental health care.**  
 GDC medical and mental health staff and GCHC staff will be trained using the NIC Specialized Training PREA Medical and MH Standards curriculum. Certificate of completion will be printed and maintained in the employee training file. In addition to the specialized training, these same employees are required to attend GDC’s annual PREA in-service training.

**D. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

- 1. **Screening for risk of victimization and abusiveness.**
  - a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
  - b) Counseling staff will conduct a screening for risk of victimization and abusiveness, in SCRIBE, through use of the Victim/Aggressor Classification Instrument (Attachment 4). This screening will be conducted within 72 hours of arrival at the facility. Information from this assessment will be used to inform housing, bed assignment, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. A SCRIBE case note will be entered reflecting the assessment outcome.
  - c) Inmates are encouraged to disclose as much information as possible for the Department to provide the most protection possible under this policy. If an inmate chooses not to respond to questions relating to his or her level of risk, he or she may not be disciplined.
  - d) The intake screening shall consider, at a minimum, the following criteria to assess inmates risk of sexual victimization:
    - 1. Whether the inmate has a mental, physical, or developmental disability;
    - 2. The age of the inmate;
    - 3. The physical build of the inmate;



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4. Whether the inmate has previously been incarcerated;
5. Whether the inmate’s criminal history is exclusively nonviolent;
6. Whether the inmate has prior convictions for sex offenses against an adult or child;
7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
8. Whether the inmate has previously experienced sexual victimization;
9. The inmate’s own perception of vulnerability; and
10. Whether the inmate is detained solely for civil immigration purposes.

Some inmates are “at risk” for victimization due to one or a combination of factors such as physical appearance (small in stature, effeminate, etc.); demeanor (weak, nonassertive, anxious, depressed); special situations (e.g., high-profile, sexual activity with a child, first-time offender); or special needs (cognitive limitations, social inadequacy, developmental disability, etc.).

- e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department, in assessing inmates for risk of being sexually abusive.
- f) Mental Health staff shall reassess the inmate’s risk level whenever warranted and within 30 days of arrival at the institution, based upon any additional information. Reassessment is not required if no additional information is received after intake screening.
- g) Mental health staff shall reassess inmate’s risk level when warranted due to a referral, request incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.
- h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs d.1, d.7, d.8 or d.9 of this section.

Any information related to sexual victimization or abusiveness, including the information entered into the comment section of the Intake Screening Form, is limited to a need-to-know basis for staff, only for the purpose of treatment and

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security and management decisions, such as housing and cell assignments, as well as work, education, and programming assignments.

**2. Use of screening information.**

- a) The facility shall use information from the risk screening required by 28 CFR § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The warden shall designate a safe dorm(s) for those inmates identified as vulnerable to sexual abuse. Location(s) shall be identified in the Local Procedure Directive (Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive).
- b) The facility shall make individualized determinations about how to ensure the safety of each inmate.
- c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.
- d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department, in assessing inmates for risk of being sexually abusive. Attachment 8 – IIA21-0001 ATT8 Receiving Health Screening Form shall be completed on inmates at intake upon entry to any facility.

**3. Protective Custody.**

- a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregation unless as assessment of all available alternatives have been made, and determination has been made that there is no available alternative means of separation from likely abusers. If an assessment cannot be conducted immediately, the inmate may be held in involuntary segregation for less than 24 hours while completing the assessment. This placement, including the

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concern for the inmate’s safety and must be noted in SCRIBE base notes documenting the concern for the inmate’s safety and the reason why no alternative means of separation can be arranged, shall be clearly documented in SCRIBE utilizing the PREA action.

- b) Inmates placed in segregation will receive services in accordance with SOP IIB09-0001, Administrative Segregation.
- c) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- d) Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

**E. REPORTING**

**1. Inmate reporting.**

- a) Inmates may make a report of sexual abuse, sexual harassment, or retaliation by any of the following methods: in writing, verbally, through the inmate PREA hotline, and by mail to the Department Ombudsman Office. Inmates shall be encouraged to report allegations immediately and directly to staff at all levels. All reports will be promptly documented.
- b) The Department will maintain a **sexual abuse hotline**, currently known as the “PREA” hotline (\*7732 from any inmate telephone in state facilities). This call will not require the use of the inmate’s PIN number. Monitoring of this line will be the responsibility of the OIC, with immediate oversight by the Department’s PREA Coordinator, or designee.
- c) Inmates who wish to remain anonymous or choose to report to an outside entity may do so in writing to State Board of Pardons and Paroles, Office of Victim Services, 2 Martin Luther King, Jr. Drive, S.E., Balcony Level, East Tower, Atlanta, Georgia 30334.
- d) Staff shall accept reports made verbally, in writing, and from third parties and shall promptly document any verbal reports. Non-investigatory staff does not offer anonymity to inmates.
- e) Staff shall forward all reports or observations of sexual assault or sexual harassment to their immediate supervisor and/or the designated SART

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member promptly.

**2. Inmate Grievances.**

The facility shall allow inmates a full and fair opportunity to file grievances regarding sexual abuse so as to preserve their ability to seek judicial redress after exhausting administrative remedies. This procedure shall be conducted in accordance with SOP IIB05-0001 “Statewide Grievance Procedure.”

**3. Inmate access to outside confidential support services.**

- a) Appropriately trained local staff will be identified to provide advocate services to victims of sexual assault.
- b) “Confidential” communications under this section are distinguished from privileged communications, such as in attorney-client relationships. Communications are monitored in a manner consistent with the Department’s security practices, and should be addressed in any memorandum of understanding with the outside victim advocacy organization.

**4. Third party reports** may be made to the Ombudsman’s Office at 478-992-5358 or in writing to the State Board of Pardons and Paroles, Office of Victim Services, 2 Martin Luther King, Jr. Drive, S.E., Balcony Level, East Tower, Atlanta, Georgia 30334.

**F. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**

**1. Staff and Department reporting duties.**

- a) Staff who witness or receive a report of sexual assault, sexual harassment, or who learn of rumors or allegations of such conduct, must report information concerning incidents or possible incidents of sexual abuse or sexual harassment to the supervisor on duty and write a statement, in accordance with the Employee Standards of Conduct.
- b) The highest-ranking supervisor on duty at an institution who receives a report of sexual assault, sexual harassment, shall report it to the appointing authority or his or her designee immediately.
- c) The supervisor in charge shall notify the PREA Compliance Manager and/or SART Leader, as designated by the Local Procedure Directive (Attachment 9 IIA21-0004 ATT9 – Local Procedure Directive).
- d) Appointing authorities or his or her designee may make an initial inquiry to

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determine if a report of sexual assault, sexual harassment, is a rumor or an allegation. Allegations of sexual assault, sexual harassment, are considered major incidents and must be reported in accordance with this policy and SOP IIAO4-0002, Incident Reports.

- e) Once reported, an evaluation by the SART Leader/Team (as designated by Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive) of whether a full response protocol is needed will be made (see section 28 CFR § 115.65).
- f) Appointing authorities or his or her designee shall report all allegations of sexual assault with penetration to the OIC Senior Investigator and the Department’s PREA Coordinator immediately upon receipt of the allegation. Internal Investigations will determine the appropriate response.
- g) Staff shall not disclose any information concerning sexual assault, sexual harassment, or sexual misconduct of an offender, including the names of alleged victims or perpetrators, except to report the information as required by this policy or the law, or to discuss such information as a necessary part of performing their job.
- h) Staff members who fail to comply with the reporting provisions of this policy may be banned from correctional facilities, or will be subject to disciplinary action, up to and including termination, whichever is applicable.
- i) If the alleged victim is under the age of 18, the Department shall report the allegation to the Department of Family and Children Service, Child Protective Services Section.
- j) In addition to reporting information, staff shall intervene as appropriate, by observing and reporting behaviors that may subsequently lead to an incident of sexual abuse.
  - 1. Staff should be aware of the following in determining what information to report:
    - a. Detection requires an awareness by staff of institution or unit climate and the reputations and behaviors of inmates – through actively paying attention to the following, for example:
      - 1. Inmate communications.
      - 2. Comments to staff.
      - 3. Inmate interactions.

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4. Changes in inmate behavior (eating, sleeping, hygiene, work habits, etc.).
5. Isolated or “hot” areas of the institution.
2. By observing factors such as these, staff is able to better detect sexually abusive behavior, and possibly deter problems before they can occur, or before they escalate.
2. **Facility protection duties.**
  - a) Separate the alleged victim and abuser.
    1. Ensure the alleged victim has been placed in safe housing which may be protective custody in accordance with SOP IIB09-0001, Administrative Segregation;
      - a. If placed in Administrative Segregation, ensure that a SCRIBE case note indicating the reason for placement has been completed.
      - b. If the inmate remains in Administrative Segregation for 72 hours, ensure that SART has again evaluated the victim within 72 hours. Ensure that SCRIBE case note indicating the reason for continued placement in Administrative Segregation has been completed. \*The Care and Treatment member of SART has responsibility for completing the SCRIBE case note.
    2. If the alleged perpetrator is an inmate, ensure that the alleged perpetrator has been placed in Administrative Segregation in accordance with SOP IIB09-0001, Administrative Segregation.
      - a. If placed in Administrative Segregation, ensure that a SCRIBE case note indicating the reason for placement has been completed.
      - b. If the inmate remains in Administrative Segregation for 72 hours, ensure that SART has again evaluated the perpetrator within 72 hours. Ensure that a SCRIBE case note indicating the reason for continued placement in Administrative Segregation has been completed. \*The Care & Treatment member of SART has responsibility for completing the SCRIBE case note.
    3. If the alleged perpetrator is a staff member, separate the staff member from the alleged victim during the period of investigation by reassigning the staff member to other duties or another work area, transferring the staff

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member to another institution, suspending the staff member with pay “pending investigation into allegations of misconduct,” or temporarily banning the individual from the institution, whichever option the appointing authority deems appropriate;

4. If applicable, consult with the SART, the Field Operations Manager, the Department’s PREA Coordinator, or OIC Investigator within 72 hours of the reported incident to determine how long the alleged victim or perpetrator should remain segregated from the general population, and document the final decision in the inmate’s file with specific reasons for returning the offenders to the general population or keeping the offenders segregated; Ensure the SART has evaluated the victim within 24 hours of the report.
  5. Once OIC Investigator or the legal office has advised that there is sufficient evidence of sexual assault, ensure closure of the matter by serving notice of adverse action or banning the staff member from all institutions if the perpetrator is a staff member, making housing and classification changes if the perpetrator is an offender, and updating the victim’s inmate file with the incident information.
- 3. Reporting to other Confinement facilities.**
- a) In cases where there is an allegation that sexually abusive behavior occurred at another Department facility, the Warden (or his/her designee) of the victim’s current facility will provide notification to the Warden of the identified institution and the Department’s PREA Coordinator. In cases alleging sexual abuse by staff at another institution, the Warden of the inmate’s current facility refers the matter directly to the OIC Senior Investigator. For non-Department secure facilities, the Warden will notify the appropriate office of the facility where the abuse allegedly occurred. For non-Department facilities, the Warden (or his/her designee) contacts the appropriate office of that correctional Department.
  - b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
  - c) Facility shall document that it has provided such notification.
  - d) The facility head or Department office that receives such notification shall

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ensure that the allegation is investigated in accordance with these standards.

**4. Staff first responder duties.**

- a) Upon learning of an allegation that an inmate 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 in accordance with SOP IK01-0005, Crime Scene Preservation;
  - 3. If the abuse occurred within 72 hours request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
  - 4. If the abuse occurred within 72 hours 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, smoking, drinking, or eating.
  - 5. If the first staff responder is not a security staff member, the responder shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff immediately.
  - 6. SART will be notified and will implement local protocol in accordance with section V.F.5. Coordinated response.

**5. Coordinated response.**

- a) Each facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. This plan will be kept current and include names and telephone numbers of coordinating parties and be a part of the Local Procedure Directive (Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive). In addition to the information directed in Section A.1. of this policy, this plan shall include the following:
  - 1. SART shall evaluate the victim within 24 hours of the report;
  - 2. SART shall arrange for an immediate medical examination of the alleged



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victim, followed by a mental health evaluation within 24 hours, in accordance with SOP VG55-0001 and SOP VH815-00012, Medical and Mental Health Management of Suspected Sexual Assaults;

3. Medical staff shall contact the appropriate Sexual Assault Nurse Examiner (SANE), who will respond as soon as possible, but within 72 hours of the time the alleged assault occurred to collect forensic evidence. If SANE is not available within a reasonable time frame, the Appointing Authority in consultation with OIC Investigator shall coordinate with OHS to arrange for the inmate to be transported to a hospital for collection of the forensic evidence.
  4. If applicable, ensure that security staff escorting an alleged sexual assault victim for medical attention take custody of the rape kit or other physical evidence from medical personnel, document the contents, and store the evidence in a secure place until it can be turned over to an OIC Investigator;
  5. The incident report and supporting documentation must be completed before leaving the institution for the day and is completed in accordance with SOP IIA04-0002, Incident Reports and is entered accurately into the SCRIBE database.
  6. Allegations of sexual abuse and sexual harassment are considered major incidents and must be reported in accordance with this policy and SOP IIA04-0002, Incident Reports.
- b) Wardens and superintendents and/or their designees shall take the following actions anytime they learn of an allegation of sexual abuse or sexual assault:
1. Separate the alleged victim and abuser.
  2. Ensure Local Institutional Sexual Abuse Response Plan is enacted;
  3. Contact the Field Operations Manager;
  4. Notify the OIC Senior Investigator;
  5. Subsequently, submit a written notification (Glad You Asked - GYA) via email to the OIC Senior Investigator and the Department's PREA Coordinator. This reporting should follow any and all established notification procedures in place by Facilities Division Director.

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**6. Protection against retaliation.**

- a) Anyone who retaliates against a staff member or an offender who has reported in good faith an allegation of sexual abuse or sexual harassment in good faith shall be subject to disciplinary action.
- b) The Department will protect inmates and staff who report sexual abuse, sexual misconduct, or sexual harassment from retaliation. The appointing authority shall identify a responsible party or local department in the Local Procedure Directive (Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive) to monitor for retaliation. Multiple protection measures include inmate housing changes or transfers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting or for cooperating with investigations.
- c) The appointing authority's designee for monitoring retaliation shall, for at least 90 days following a report of abuse, monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation. This monitoring will include review of any inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need.
- d) In the case of inmates, this monitoring will also include periodic status checks.
- e) The obligation for monitoring will terminate if the allegation is unfounded.

**G. INVESTIGATIONS**

1. Appointing authorities or his/her designee may make an initial inquiry to determine if a report of sexual abuse or sexual harassment is a rumor or an allegation.
2. Local SART is responsible for initial inquiry and subsequent administrative investigation of all allegations of sexual abuse or sexual harassment with limitations. In cases where allegations are made against staff and the SART inquiry deem the allegation is unfounded or unsubstantiated by evidence of facility documentation, video monitoring systems, witness statements, or other investigative means, the case can be closed at the facility level. No interview shall

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- be conducted, nor a statement be collected from the accused staff without first consulting the Office of Investigations and Compliance.
3. Appointing authorities or his/her designee shall report all allegations of sexual assault with penetration and those with immediate, and clear evidence of physical contact, to OIC Senior Investigator and the Department’s PREA Coordinator immediately upon receipt of the allegation.
    - a) Where sexual assault is alleged and cannot be cleared at the local level (as indicated in G.2. of this section), the OIC Senior Investigator will determine the appropriate response upon notification. If this appropriate response is to open an official investigation, the OIC Senior Investigator will dispatch an investigator who has received special training in sexual abuse investigations.
    - b) OIC Investigators will gather and preserve direct and circumstantial evidence including any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
    - c) When the criminal investigation is completed pertaining to an employee, the investigation will be turned over to the Office of Professional Standards (OPS) to conduct any necessary compelled administrative interviews.
    - d) The credibility of the victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. An inmate who alleges sexual abuse will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
  4. At the conclusion of each SART investigation, all substantiated SART investigations shall be referred to the OIC Criminal Investigations Division; all unsubstantiated SART investigations shall be referred directly to the Office of Professional Standards for an administrative review.
  5. For investigations of allegations of sexual abuse, Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution in accordance with SOP IK01-0006, Investigation of allegations of sexual contact, Sexual Abuse, and Sexual Harassment of Offenders.
  6. Investigations, criminal and administrative, into allegations of sexual abuse will

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be prompt, thorough, and objective for all allegations, including those reported by third-party and anonymously.

7. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse. This will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind the credibility assessments, and investigative facts and findings.
8. Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and copies of all documentary evidence where feasible.
9. Substantiated allegations of conduct that appears criminal will be referred for prosecution.
10. The OIC will maintain all such written reports for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
11. The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating the investigation.
12. Any State Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
13. When outside agencies investigate sexual abuse, the Department shall cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigations.
14. There will be no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
15. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a Department facility, the facility shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This will be completed by a member of the local SART unless appointing authority delegates to another designee under certain circumstances. Such notifications or attempted notifications shall be documented. A Department's obligation to report under this standard shall terminate if the inmate is released from the Department's custody. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, upon completion

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of the Internal Investigation, an assessment of the appropriateness of notification will be made by the Appointing Authority in consultation with Department Legal Office. If determined that notification is appropriate, it will be made in accordance with 28 CFR § 115.73.

## **H. DISCIPLINE**

### **1. Disciplinary Sanctions for Staff.**

- a) Staff that engage in sexual misconduct with an offender shall be banned from correctional institutions or subject to disciplinary action, up to and including termination, whichever is appropriate, and may also be referred for criminal prosecution when appropriate.
- b) Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual touching.
- c) Disciplinary sanctions for violations of Department policy related to sexual abuse or sexual harassment (other than engaging in sexual abuse) will 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.
- d) All terminations for violations of the Department sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation will be reported to law enforcement agencies, unless the activity was clearly not criminal. These will also be reported, as required, to the Georgia Peace Officers Standards and Training Council (POST).
- e) OIC shall refer all substantiated cases of nonconsensual sexual contact between offenders or sexual contact between a staff member and an offender for criminal prosecution.

### **2. Contractors and Volunteers.**

- a) Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility will take appropriate remedial measures, and will consider

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whether to prohibit further contact with inmates, in the case of any other violation of Department sexual abuse or sexual harassment policies by a contractor or volunteer.

**3. Disciplinary sanctions for inmates.**

- a) The Department prohibits all consensual sexual activity between inmates, and inmates may be subject to disciplinary action for such activity. Consensual (non-coerced) sexual activity between inmates does not constitute sexual abuse, but is considered a disciplinary issue.
- b) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on- inmate sexual abuse or a criminal finding of guilt for inmate-on-inmate sexual abuse. These sanctions will be imposed in accordance with SOP IIB02-0001.
- c) Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- d) The disciplinary process will consider whether the inmate's mental disabilities or mental illness contributed to behavior when determining what type of sanction, if any, will be imposed. See SOP VG34-0001.
- e) If the facility offers therapy, counseling or other interventions to address and correct underlying reasons or motivations for the abuse, the facility will consider whether to offer therapy, counseling, or other interventions to require the offending inmate and whether to require to participation in such interventions as a condition of access to programming or other benefits.
- f) An inmate may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.
- g) For the purposes of a disciplinary action, a report of sexual abuse made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient evidence to substantiate the allegation.
- h) Following an administrative finding of malicious intent on behalf of the inmate making a false report then the inmate shall be subject to disciplinary sanctions pursuant to a formal disciplinary process in accordance with SOP

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IIB02-0001.

- i) All sexual activity between inmates is prohibited within GDC and subject to disciplinary sanctions if determined that the sexual activity is not coerced.

**I. MEDICAL AND MENTAL HEALTH CARE**

Department will provide prompt and appropriate medical and mental health services in compliance with 28 CFR § 115 and in accordance with Department SOPs.

**J. DATA COLLECTION AND REVIEW**

**1. Sexual abuse incident reviews.**

- a) The facility will conduct a sexual abuse incident review within 30 days after the conclusion of every sexual abuse investigation, substantiated and unsubstantiated. Reviews are not necessary for unfounded allegations.
- b) The review team will include the SART and will include input from upper management as well as input from line supervisors and other staff, where practical.

**2. The review team will:**

- a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
- b) Consider whether the allegation or incident was motivated or otherwise caused by the perpetrator's or victim's race, ethnicity, gender identity, gay, lesbian, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation, or was motivated by other group dynamics at the facility.
- c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area enabled the abuse.
- d) Assess the adequacy of staffing levels in the area during different shifts.
- e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- f) Prepare a report of its findings including, but not limited to, determinations regarding all of the above, and any recommendations for improvement, and submit such report to the Warden and PREA Compliance Manager.

- 3. Each facility will submit a report to the Department's PREA Coordinator each month using Attachment 2 – IIA21-0001 ATT2 Monthly Report Form. This form

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shall be submitted by electronic method and is due by the fifth business day of the month following the reporting month. All allegations occurring within the month shall be included on this report along with the appropriate disposition. Cases that have not been closed by the last day of the month require a notification to the Department’s PREA Coordinator by e-mail advising status of case when it is closed. It is not necessary to submit a blank form when no allegations are reported within the month; the facility may submit an e-mail stating there were no PREA allegations for the reporting month and e-mail must include the reporting month/year, the facility name and name of person submitting report.

**K. AUDITS**

The Department shall conduct audits pursuant to 1115.401-405. Each facility operated by the Department will be audited every three years on a schedule determined by the Department’s PREA Coordinator.

County facilities and Private facilities operated on behalf of the Department (housing state inmates) must meet the same audit requirements. These entities are responsible for scheduling and funding their audits. All auditors shall be certified by the Department of Justice. Each facility shall bear the burden of demonstrating compliance with the federal standards. A copy of the final report shall be submitted to the Department’s PREA Coordinator upon completion of the audit and must be conducted every three years.

**V. Attachments:**

- Attachment 1 – IIA21-0001 ATT1 Employee Acknowledgement Statement
- Attachment 2 – IIA21-0001 ATT2 Monthly Report Form
- Attachment 3 – IIA21-0001 ATT3 Contractor/Volunteer Acknowledgement Statement
- Attachment 4 – IIA21-0001 ATT4 Sexual Victim/Sexual Aggressor Screening Instrument
- Attachment 5 – IIA21-0001 ATT5 Inmate Notification Letter
- Attachment 6 – IIA21-0001 ATT6 Sexual Abuse Response Checklist
- Attachment 7 – SANE Nurse Evaluation



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Attachment 8 – IIA21-0001 ATT8 Receiving Health Screening Form  
Attachment 9 – IIA21-0001 ATT9 Local Procedure Directive

- VI. Record Retention of Forms Relevant to this Policy:**  
Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.