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| =  | <b>Hall County Correctional Institute<br/>Policy &amp; Procedures</b> | <b>Policy #: 11-15.1</b>                  |
| <b>Effective: 06-23-17</b>                       |   | <b>Annual Review: 06-22-16 / 06-23-17</b> |
| <b>Supersedes: 11-01-15</b>                      |   | <b>Approval: Warden Walt Davis</b>        |
| <b>Policy: PREA, Prison Rape Elimination Act</b> |   |   |

I. AUTHORITY:

Hall County Correctional Institute

II. PURPOSE:

The Prison Rape Elimination Act (PREA) is a federal law that seeks to eliminate sexual abuse against persons confined in federal, state, and local facilities; whether the abuse is committed by an offender/resident or staff member. This legislation mandates the development of national standards related to the detection, prevention, and punishment of prison sexual abuse. These standards require the implementation of policies and procedures to eliminate opportunities for sexual abuse, including consensual sexual contact between offenders/residents and staff members; and to properly respond to any PREA incidents that may occur. The standards also prohibit staff sexual harassment and retaliation; and place limitations on cross-gender viewing and searches.

III. APPLICABILITY:

All persons employed by the Hall County Correctional Institute, whether full-time, part-time, or temporary; and all persons serving HCCI as an intern, contract employee, or volunteer.

IV. DIRECTIVES AFFECTED:

None

V. RELATED STANDARDS:

Prison Rape Elimination Act of 2003

O.C.G.A. §16-6-5.1 (Sexual Assault Against Persons in Custody)

O.C.G.A. §15-4-2 (Establishment of Sexual Assault Protocol)

Georgia Department of Corrections SOP – Policy Number 208.06 (Prison Rape Elimination Act – PREA-Sexually Abusive Behavior Prevention and Intervention Program )

## VI. DEFINITIONS:

**Community Confinement Facility:** A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center or other community correctional facility (including, a work release program (WRP) and residential reentry centers), other than a juvenile facility, in which individuals resides as part of a term of imprisonment or as a condition of pretrial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs or similar facility-approved programs during non-residential hours.

**Compliance Manager:** Senior-level employee designated by the Warden to manage and oversee ongoing efforts to comply with PREA standards at the facility level.

**Consent:** Agreement by an offender to engage in a sexual act. Consent may be stated or implied by the offender's conduct; however, there is no such thing as consensual sexual contact between an offender and staff member.

**Contractor:** An entity that provides services on a recurring basis pursuant to a contractual agreement with HCCI to confine offenders. **(115.12 A)**. Any new contract or contract renewal following the effective date of this regulation shall include a requirement that the entity is obligated to adopt and comply with the PREA Standards. **(115.12 B)**

**Direct Allegation:** A report of sexual abuse or sexual misconduct made by an alleged witness, victim, or perpetrator.

**Direct Staff Supervision:** Security staff that is in the same room with, and within reasonable distance of the offender.

**Employee:** All persons employed by HCCI, whether full-time, part-time, or temporary; and all persons serving HCCI as an intern, contract employee, or volunteer.

**Exigent Circumstances:** 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.

**Gender Nonconforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.

**HCCI:** Hall County Correctional Institute

**Indirect Allegation:** A report of sexual abuse or sexual misconduct made by someone other than an alleged witness, victim, or perpetrator.

**Indirect Supervision:** A method of supervising offenders by monitoring offenders living areas from enclosed posts.

**Intersex:** 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.

**Juvenile:** Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

**LGBTI:** An acronym for Lesbian, Gay, Bisexual, Transgender, Intersex and Gender Nonconforming offender.

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

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

**Nonconsensual Sexual Acts:** Any contact between the sex organ of one person and the sex organ, mouth or anus of another person; against his/her will, including contact with those incapable of consenting or refusing. Or, any intrusion of any part of the body of one person, or any foreign object, into the sex organ, mouth, or anus of another person; against his/her will, including contact with those incapable of consenting or refusing.

**Offender:** Any person sentenced to confinement in the Hall County Correctional Institute for any amount of time.

**Pat-down Search:** A running of the hands over the clothed body of an offender by an employee to determine whether the individual possesses contraband.

**P.O.S.T.:** The Peace Officer Standards and Training Council that administers the regulatory process, sets the standards for training and certification, and provides essential technical assistance to the law enforcement community in the State of Georgia.

**PREA Statewide Coordinator:** Person designated by the Georgia Department of Corrections to develop, implement, and oversee ongoing efforts to comply with PREA standards within the state prison system.

**Resident:** Any person confined or sentenced to the transitional center in the Hall County Correctional Institute for any amount of time.

**Security Staff:** Employees primarily responsible for the supervision and control of

offenders, in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual Abuse of an offender by another offender, which includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: **(115.6)**

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an offender, detainee, or resident by a staff member, contractor, volunteer or intern includes any of the following acts, with or without the consent of the offender, 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, volunteer or intern 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, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, volunteer, or intern has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, volunteer, or intern to engage in the activities described in paragraphs (1)-(5) of this section;

7. Any display by a staff member, contractor, volunteer, or intern of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident, and
8. Voyeurism by a staff member, contractor, volunteer, or intern.

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 offender, directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an offender, by a staff member, contractor, volunteer, or intern, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Abuse Response Team (SART): A team appointed by the Warden that is responsible for coordinating first-response activities to alleged incidents of sexual assault or staff sexual misconduct.

Sexual Abuse Nurse Examiner (SANE): Qualified medical personnel employed/contracted by the Georgia Department of Corrections to perform sexual abuse examinations in cases involving a state inmate(s); or, qualified medical personnel employed by a hospital or sexual abuse center to perform sexual abuse examinations in cases involving any offender.

Sexual Contact: Any contact or attempted contact with another person conducted for the sexual gratification of either person and involving either person's genital area, groin, inner thigh, buttocks, or breast; or, penetration of the genital opening or anus by any means, without a security or medical purpose. Sexual contact may occur under or through clothing.

Sexual Misconduct: Any consensual or nonconsensual behavior or act of a sexual nature, other than sexual abuse, directed toward an offender by a staff member. Examples of staff sexual misconduct include, but are not limited to: exposure of an intimate body part to an offender; threats or requests for sexual acts; demeaning references about an offender intimate body parts or sexual orientation; invasion of privacy or voyeurism for the purposes of sexual gratification; or, acts that aid in sexual contact between an offender and a third person. Staff sexual misconduct may occur even if there is no actual sexual contact with an offender.

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

Transgender: A person whose gender identity (i.e., internal sense of feeling male or

female) is different from the person's assigned sex at birth.

**Substantiated Allegation:** An allegation that was investigated and determined to have occurred.

**Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.

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

**Victim Advocate:** A qualified staff member or a qualified community-based staff member from a rape crisis center shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. **(115.21 H) (115.221 H)**

**Volunteer:** An individual who donates time and effort on a recurring basis to enhance the activities and programs of the HCCI.

**Voyeurism by a staff member, contractor, volunteer, or intern:** An invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender naked body or of an offender performing bodily functions.

## VII. POLICY:

It is the policy of the Hall County Correctional Institute (HCCI) to provide a safe, humane, and secure environment that is free from the threat of sexual abuse for all staff, civilians, and offenders; by maintaining a program of prevention, detection, response, investigating, and tracking of all alleged and substantiated incidents of sexual abuse and staff sexual misconduct/harassment. HCCI has a zero-tolerance for incidents of sexual abuse and staff sexual misconduct/harassment. **(115.11 A) (115.211 A).** HCCI agrees in its contract with the Georgia Department of Corrections to comply with 28 C.F.R. 115, entitled the Prison Rape Elimination Act ("PREA"). **(115.12 A B).** It is not the function of the HCCI to participate in collective bargaining. **(115.66) (115.266)**

## VIII. PROCEDURES:

### A. Coordination of PREA Related Issues

1. The Chief of Security will serve as the Compliance Manager, unless a different person is designated in writing by the Warden. **(115.11 B-C) (115.211 B-C)**
2. The Compliance Manager will oversee the HCCI's efforts to comply with PREA standards. **(115.11 B) (115.211 B)**

3. The Compliance Manager will ensure that each requirement of this regulation, including verification that all training, screening, assessment, reporting and monitoring is accomplished in a timely manner.
4. The Compliance Manager will submit a monthly summary to the Warden outlining reported or identified incidents of sexual abuse and sexual misconduct/harassment; any area of non-compliance with PREA standards; and all corrective measures taken/needed.
5. The Warden will appoint a Sexual Abuse Response Team (SART) consisting of at least four (4) members to include the Compliance Manager, Medical/Mental Health Staff, Classification Staff and Security Staff/Investigator.
6. The SART members will be notified immediately of reported incidents of sexual abuse and sexual misconduct/harassment involving any offender, regardless of the incident location.
7. The SART members will meet at least quarterly to discuss PREA related issues. Minutes of the meeting will be recorded and forwarded to the Warden by the Compliance Manager.

#### B. Staffing

1. HCCI has in place a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders and residents against sexual abuse. This staffing plan is completed annually by the Deputy Warden of Security and complies with all the following.
  - a. HCCI shall consider when designing or planning substantial expansion or modification of existing facilities or when updating a video monitoring system, how such would enhance the ability to protect offenders from sexual abuse. **(115.18 A B) (115.218 A B)**
  - b. In calculating adequate staffing levels and determining the need for video monitoring, HCCI takes into consideration: **(115.13 A) (115.213 A)**
    1. Generally accepted detention and correctional practices;
    2. Any judicial findings of inadequacy;
    3. Any findings of inadequacy from Federal investigative agencies;
    4. Any findings of inadequacy from internal or external oversight bodies;

5. All components of the facility's physical plant (including "blind-spots" or areas where staff or the offenders may be isolated);
  6. The composition of the offender population;
  7. The number and placement of supervisory staff;
  8. Institution programs occurring on a particular shift;
  9. Any applicable State or local laws, regulations, or standards;
  10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  11. Any other relevant factors.
2. In addition to and along with other rounds as specified in HCCI Policy, the Warden will ensure policy, post-orders, and practice require that both intermediate-level or higher-level supervisors will conduct and document unannounced rounds without setting a pattern for the purpose of identifying and deterring staff sexual abuse and sexual harassment. These rounds shall occur during both night and day shifts. Security supervisors, dorm officers and other HCCI staff are prohibited from alerting other HCCI staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. **(115.13 D)**
  3. In circumstances where the staffing plan is not complied with, the Deputy Warden of Security shall document and justify all deviations from the plan and shall forward this document to the HCCI's Compliance Manager for retention purposes. **(115.13 B) (115.213 B)**
  4. The Deputy Warden of Security or designee (Compliance Manager) shall ensure that the staffing plan is updated each year, and shall ensure all annual updates are submitted to the Warden. **(115.13 A C) (115.213 A C)**
  5. Annual updates shall assess, determine and document whether adjustments are needed to the:
    - a. Staffing plan;
    - b. Deployment of video monitoring systems or other monitoring technologies; and
    - c. The resources the facility has available to commit to ensure adherence to

the staffing plan. **(115.13 C) (115.213 C)**

6. This policy shall act as HCCI's written institutional plan to coordinate actions taken in response to incidents of sexual abuse for staff first responders, medical and mental health practitioners, investigators and HCCI Administration. **(115.65) (115.265)**

#### C. Offender Supervision

1. The Hall County Correctional Institute houses medium and minimum security offenders; and residents sentenced to the Transitional Center.
  - a. Juvenile offenders as defined by O.C.G.A. §15-11-2 will not be housed in the facility – no exceptions. **(115.14) (115.214 Reserved)**
  - b. No female offenders will be housed in the facility.
  - c. No offender/resident will be allowed to enter any dormitory other than their assigned dormitory unless escorted by an officer or other authorized employee.
  - d. No offender will be allowed to leave their assigned housing area except when going directly to/from an approved activity.
  - e. Offenders are **never** allowed to enter or remain in the Transitional Centers Corridor unless escorted by an officer. Offenders are **never** allowed to enter or remain in the Offender Corridor/Hallways unless escorted by an officer.
  - f. Both the Master Control Room and Transitional Center Control Room will be occupied at all times.
2. This is a direct supervision facility and frequent communication between staff members and offenders is required. Security staff must frequently walk through their assigned area of responsibility and monitor offender's activity; and provide supervision of offenders as necessary to protect them from sexual abuse/misconduct.
3. Supervisory and command staff inspections will include an assessment of areas in the facility that have limited or obstructed visibility. Where structurally possible and feasible, vision obstructions that create blind-spots or otherwise allow staff members and/or offenders to be isolated from view should be eliminated. Whenever a problem or need is identified, it will be documented at once and corrected without any unnecessary delay.

#### D. Hiring and Promotion Decisions

1. HCCI will not knowingly hire or promote anyone who has engaged in sexual abuse/misconduct in either a correctional or non-correctional work setting or in the community; or who 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 has been civilly or administratively adjudicated to have engaged in the above conduct. This includes volunteers, interns and contract staff. **(115.17 A 1-3) (115.217 A 1-3)**
2. HCCI shall consider any incidents of sexual harassment in determining whether to hire or promote any individual, or to enlist the services of any contractor, who may have contact with offenders. **(115.17 B) (115.217 B)**
3. HCCI will conduct a thorough background investigation, including a criminal background check, of all employment applicants. **(115.17 C 1) (115.217 C)**
  - a. All applicants will be asked to disclose prior criminal conduct and adverse employment actions. **(115.17 F) (115.217 F)**
  - b. Any hired applicant will be subject to disciplinary action, up to and including termination of employment, if it discovered that he/she failed to disclose information or provided false information during the application process. **(115.17 G) (115.217 G)**
  - c. Consistent with Federal, State, and local law, HCCI will make its best effort to contact all prior institutional employers and P.O.S.T for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. **(115.17 C 2) (115.217 C 2)**
4. Prior to promoting any employee, HCCI will conduct a criminal background check of the candidate for promotion in order to ensure that HCCI has up-to-date information regarding any criminal activity committed by the candidate. **(115.17 A F) (115.217 A F)**
5. HCCI will conduct a criminal background check on every volunteer/ intern before he/she is allowed to have contact with any offender. Volunteers/interns will be asked to disclose prior criminal conduct; conduct involving sexual abuse/misconduct in an institutional setting; and illegal sexual activity facilitated by force, threat of force, or coercion. **(115.17 A) (115.217 A)**
6. HCCI will conduct a criminal background check on all contract staff members before they are allowed to have contact with any offender. Contract staff will be asked to disclose prior criminal conduct; conduct involving sexual abuse/misconduct in an institutional setting; and illegal sexual activity facilitated by force, threat of force, or coercion. **(115.17 D) (115.217 D)**

7. HCCI shall conduct criminal background records checks at least every five years of current employees and contractors who may have contact with offenders or have in place a system for otherwise capturing such information. **(115.17 E) (115.217 E)**
8. Unless prohibited by law, HCCI 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. **(115.17 H) (115.217 H)**

#### E. Staff Training

1. Employees will be informed of the department's PREA policy.
  - a. All employees must be informed of the HCCI's zero-tolerance policy regarding sexual abuse and sexual misconduct/harassment; and the reporting requirements and procedures regarding sexual abuse and sexual misconduct/harassment. **(115.31 A-1) (115.231 A-1)**
  - b. Every employee will receive a personal copy of this policy statement; and will be required to sign a Sexual Abuse/Sexual Misconduct Statement, which will be maintained in his/her personnel file. **(115.31 D)**
2. Certified officers and civilian employees who directly supervise offenders shall receive instruction related to their responsibilities under this policy, PREA standards, and relevant federal and state law. This training will occur on an annual basis during in-service training. All new employees will receive this training as part of their pre-service curriculum. The training curriculum will include the following topics: **(115.31 A-I) (115.231 A-I) (115.31 C) (115.231 C)**
  - a. Prevention, detection, response, reporting, and investigation of sexual abuse and sexual harassment;
  - b. Offenders' and residents' right to be free from sexual abuse and sexual harassment;
  - c. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - d. The dynamics of sexual abuse and sexual harassment in confinement;
  - e. The common reactions of sexual abuse and sexual harassment victims;

- f. How to detect and respond to signs of threatened and actual sexual abuse;
  - g. How to avoid inappropriate relationships with offenders;
  - h. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and
  - i. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
3. In-service training shall be tailored to male offenders in all the correctional programs to include the Transitional Center. **(115.31 B) (115.231 B)**
4. HCCI shall ensure that all volunteers, contract staff and interns who have contact with offenders must receive training regarding their responsibilities under this policy; PREA standards; and relevant federal and state law. **(115.32 A-B) (115.232 A-B)**
- a. All volunteers and contract staff must be informed of the department's zero-tolerance policy regarding sexual abuse and sexual misconduct/harassment; and the reporting requirements and procedures regarding sexual abuse and sexual misconduct/ harassment. **(115.31 A-1) (115.231 A-1) (115.32 B) (115.232 B)**
  - b. Training may be conducted in conjunction with in-service training provided to certified officers; or it may be tailored based on the services provided and the level of contact with offenders. Either way, the training will occur on an annual basis. **(115.31 A C) (115.231 A C) (115.32 B) (115.232 B)**
  - c. Following training, volunteers and contract staff will be required to sign a Sexual Abuse/Sexual Misconduct Statement, which will be maintained in his/her file. **(115.31 D) (115. 231 D) (115.32 C) (115.232 C)**
5. SART members and employees responsible for conducting sexual abuse investigations will receive specialized training to include: **(115.34 A B) (115.234 A B)**
- a. Techniques for interviewing victims of sexual abuse/misconduct;
  - b. Proper use of Miranda and Garrity warnings;
  - c. Forensic evidence;
  - d. Evidence collection in confinement settings; and
  - e. Criteria and evidence required to substantiate a case for administrative action and/or prosecution referral.

6. All training provided in accordance with this section will be reported to and documented by the HCCI's Training Coordinator. Upon completing the training, each staff member will be required to sign an acknowledgment that he/she understands the training and has asked the instructor(s) to answer any questions he/she has about the training material. **(115.34 C) (115.234 C)**
7. Any outside entity that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. **(115.34 D) (115.234 D)**
8. The contract medical and mental health staff will be trained using the NIC Specialized Training PREA Medical and Mental Health 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 the department's annual PREA in-service training. **(115.35 A 1-4) (115.235 A 1-4) (115.35 B C D) (115.235 B C D)**

F. Offender Education

1. Offender Orientation - All newly arriving offenders will be required to view a PREA video informing them of the department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents of sexual abuse and sexual misconduct/sexual harassment within 72 hours. **(115.33 A) (115.233 A)**
2. Offenders shall receive comprehensive education within (30 days) of arrival at the facility. This information shall address: **(115.33 B) (115.233 A) (115.16 B) (115.216 B)**
  - a. Prevention/intervention;
  - b. Self-protection;
  - c. Reporting sexual abuse and sexual misconduct/harassment;
  - d. Protection from retaliation;
  - e. Treatment and counseling; and
  - f. The department's zero tolerance for sexual abuse and sexual misconduct/harassment.
3. In addition to orientation training, each offender/resident shall receive one hour of annual training regarding sexual abuse and reporting. **(115.33 C)**
4. PREA information will be included in the Offender Handbook and Resident Handbook; and offenders will be allowed to ask questions at any time about PREA and related issues. **(115.33 F) (115.233 E)**
5. PREA informational posters will be prominently posted in all offender housing

units and common areas throughout the facility. No person will remove, deface, or destroy any PREA poster without expressed permission from the Warden or his/her designee. **(115.33 F) (115.233 E)**

6. Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities, such as deaf, visually impaired and those with low literacy levels. **(115.33 D) (115.16 A C) (115.216 A C) (115.233 C)**
  - a. In the event an offender has difficulty understanding provided information and/or procedures outlined in this policy, employees must ensure that such information is effectively communicated to such offenders on an individual basis.
  - b. Auxiliary aids that are reasonable, effective, and appropriate to the needs of the offenders shall be provided when simple written or oral communication is not effective.
  - c. If an interpreter is needed, no offender should be allowed to serve as an interpreter in a PREA-related matter unless the time delay required to obtain services from a non-offenders would pose an immediate threat of death or serious injury to any person. Services of an interpreter are available at the Correctional Institute through our officers; or by contacting Hall County Interpretive Service. **(115.16 C) (115.216 C)**
7. Offender's participation in PREA educational sessions will be documented in writing and maintained in the offenders file. **(115.33 E) (115.233 D)**

#### G. Cross Gender Viewing

1. Offenders will be allowed to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their buttocks, or genitalia areas; except in the case of exigent circumstances or when such viewing is incidental to routine cell checks. **(115.15 D) (115.215 D)**
2. No security camera will be placed or positioned in any offender's toilet/shower area.
3. No staff member will monitor a security camera in a manner that allows him/her to view the buttocks or genitalia of any offender of the opposite gender; except in the case of exigent circumstances or when such viewing is incidental to routine security checks. Supervisors must keep this restriction in mind when making post assignments that require monitoring of the Security Monitoring System. **(115.15 D) (115.215 D)**
4. No staff member will photograph or video record any offenders as they showers

or performs bodily functions; or in a manner that allows viewing of the offender's buttocks, or genitalia areas. Exceptions are limited to exigent circumstances or when documenting a use-of-force incident. **(115.15 D) (115.215 D)**

5. With the exception of emergency situations or exigent circumstances, staff of the opposite gender shall announce their presence when entering male offenders/male residents' housing units and the Transitional Center where residents are likely to be showering, performing bodily functions or changing clothes. This announcement shall be documented in the unit log book. **(115.15 D) (115.215 D)**
6. In the event an offender gender status is unknown, he/she will not be subjected to search or examination except by medical personnel. Any such medical examination will be conducted in a private setting. **(115.15 E) (115.215 E)**

#### H. Searching Offenders/Residents

1. Officers will conduct cross-gender pat searches and searches of transgender and intersex offenders in a professional and respectful manner; only as they were trained and in the least intrusive manner possible; and consistent with security needs. Searches will never be used as a form of harassment, punishment, or voyeurism. The proper procedures for conducting strip and pat searches are outlined in HCCI Policy. **(115.15 F) (115.215 F)**
2. Cross-gender offender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) shall not be conducted except in exigent circumstances or when performed by medical practitioners. An incident report will be completed whenever a cross-gender strip search or cross-gender visual body search is performed. **(115.15 A C) (115.215 A C)**
3. All strip-searches will be conducted in a designated shakedown room or another area out of public view and by a certified officer who is the same gender as the person being searched.
4. A male officer will not pat search a female unless exigent circumstances require an immediate search and no female officer is immediately available. A female officer will not pat search a male unless exigent circumstances require an immediate search and no male officer is immediately available. An incident report will be completed whenever a pat search is conducted as outlined herein. **(115.15 B) (115.215 B)**
5. Any pat search of an offender will be conducted by only one officer, unless the offender is uncooperative.
6. Officers should be tactful and thorough when conducting a search and must not

expose the person being searched to any unnecessary use of force, embarrassment, or indignity. **(115.15 F) (115.215 F)**

7. Body cavity searches that involve any touching of the person being searched, including the use of an instrument, will not be conducted unless: there is probable cause to believe contraband is currently being concealed; the Warden or his/her designee authorizes the search; and, the search is conducted in private by qualified medical personnel.

#### I. Screening for Risk of Sexual Victimization or Abusiveness

1. All offenders will be assessed during an intake screening for their risk of being sexually abused by other offenders or sexually abusive toward other offenders within 24 hours of their arrival at the facility. **(115.41 A B) (115.241 A B)**
  - a. The classification staff will conduct the assessment utilizing results of the PREA Sexual Victim/Sexual Aggressor Classification Screening Form. **(115.41 C) (115.241 C)**
  - b. Information from this assessment will be considered when making housing, work, education, and program assignments; with the goal of separating those offenders at high risk of victimization from those at high risk of being abusive. **(115.42 A) (115.242 A)**
  - c. When processing a state offender, classification staff will check SCRIBE for any PREA-related information. A SCRIBE case note will be entered by counseling staff to document the outcome of the PREA assessment.
2. Offenders are encouraged to disclose as much information as possible for the department to provide the most protection possible under this policy. If an offender chooses not to respond to questions on the PREA Sexual Victim/Sexual Aggressor Classification Screening Form relating to his or her level of risk, they may not be disciplined.
3. The offender may change their mind at any time during their stay at the correctional institute and be allowed to complete the PREA Sexual Victim/Sexual Aggressor Classification Screening Form.
4. The intake screening shall consider, at a minimum, the following criteria to assess offenders risk of sexual victimization: **(115.41 D 1-10) (115.241 D 1-9)**
  1. Whether the offender has a mental, physical, or developmental disability;
  2. The age of the offender;
  3. The physical build of the offender;

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

Some offenders 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 limitation, social inadequacy, developmental disability, etc.).

5. The initial screening shall consider prior acts of sexual abuse; prior convictions for violent offenses; and history or prior institutional violence or sexual abuse as known to the HCCI, in assessing offenders/residents for risk of being sexual abusive. **(115.41 E) (115.241 E)**
6. Mental Health staff shall reassess the offender’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. **(115.41 F) (115.241 F)**
7. Mental Health staff shall reassess offender risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender/resident’s risk of sexual victimization or abusiveness. **(115.41 G) (115.241 G)**
8. Offenders 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 PREA Sexual Victim/Sexual Aggressor Classification Screening Form, is limited to a need-to-know basis for staff, only for the purpose of treatment and security and management decisions, such as housing and dorm assignments, as well as work, education, and programming assignments. **(115.41 H I) (115.241 H I)**

J. Medical and Mental Health Screenings/History of Sexual Abuse

1. If the screening indicates that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, or that an offender perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. **(115.81 A B) (115.281 A B Reserved)**
2. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff as necessary, to develop treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law. **(115.81 D) (115.281 D Reserved)**
3. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. **(115.81 E) (115.281 Reserved)**

K. Use of Screening Information and Housing Assignment

1. 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 offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. The Warden shall designate safe beds for State and County offenders identified as vulnerable to sexual abuse. **(115.42 A) (115.242 A)**
2. HCCI makes individualized determinations about how to ensure the safety of each offender/resident during the classification screening process. **(115.42 B) (115.242 B)**
3. In deciding whether to house a transgender or intersex offender in a male housing unit/area for male or when making other housing and programming assignments, the facility shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety. Consideration should also be given as to whether the placement would present management or security problems. **(115.42 C) (115.242 C)**
  - a. Questions regarding identification of a transgender or intersex offender's genital status shall be referred to the facility's Medical Director for review and, if needed, determination if a physical examination in a private setting by a health care provider is necessary. A transgender or intersex offender's own views with respect to his or her own safety shall be given

serious consideration. **(115.42 E) (115.242 D)**

- b. It is prohibited to place a lesbian, gay, bisexual, transgender, intersex and gender nonconforming offender/resident (LGBTI) in a dedicated unit or facility solely on the basis of LGBTI identification unless such placement is pursuant to a legal requirement for the purpose of protecting such an offender. **(115.42 G) (115.242 F)**
    - c. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders. **(115.42. F) (115.242 E)**
4. Placement and programming assignments for each transgender or intersex offender shall be reassessed at least twice each year to review whether any threats to safety were experienced by the offender. **(115.42 D)**
5. Residents who have been identified as having tendencies to sexually abuse others or who have been identified as potential victims of sexual abuse shall be housed separately. **(115.242 A)**
6. Offenders at high risk for sexual victimization shall not be placed in involuntary segregation 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. **(115.43 A) (115.243 A Reserved) (115.68) (115.268 Reserved) Restriction of access to programs, privileges, educational or work opportunities shall be documented in the post logbook when the offender is placed in involuntary segregation. The placement of State offenders in involuntary segregation shall be noted in SCRIBE by the counseling staff documenting and listing the concerns for the offender's safety and the reason why no alternative means of separation can be arranged. (115.43 D) (115.243 D Reserved). If the assessment cannot be done immediately, the offender may be held in involuntary segregation for less than 24 hours while completing the assessment.**
  - a. Offenders may request Protective Custody or may be placed on Administrative Protective Custody by Administrative staff if deemed necessary while an alternative means of separation from likely abusers can be arranged. This generally does not exceed a period of 30 days. **(115.43 B C) (115.243 B C Reserved)**
  - b. Offenders in Protective Custody or Administrative Protective Custody shall have access to the privileges allowed in the segregation unit per GDC Administrative Segregation and Disciplinary Isolation policy IIB09-0001 (209.06).. If access to programs, privileges, education or work opportunities are restricted beyond those allowed by, the following shall be documented in an incident report:

1. The opportunities that have been limited;
  2. The duration of the limitation; and
  3. The reasons for the limitations **(115.43 B) (115.243 B Reserved)**
7. Offenders on Protective Custody or Administrative Protective Custody are reassessed by the classification committee or other authorized staff group every seven (7) days to determine if there is a continuing need for separation from the general population. **(115.43 E) (115.243 E Reserved)**. Offenders whose concerns for protection are such that they remain on Protective Custody for more than 30 days may be considered for transfer if their safety concerns cannot be addressed by separating victims and predators in general population.

L. Reporting Sexual Abuse or Sexual Misconduct/Harassment

1. Offenders may make a report of sexual abuse, sexual harassment, or retaliation by any of the following methods: in writing, verbally, through the offender PREA hotline, and by mail to the Georgia Department of Corrections Ombudsman Office. Offenders shall be encouraged to report allegations immediately and directly to staff at all levels. All reports will be promptly documented. **(115.51 A) (115.251 A)**
2. The facility will maintain a **sexual abuse hotline**, currently known as the GDC Sexual Assault Hotline 1-888-992-7849 or \*7732 from any resident phone in the dorm). This call will not require the use of the offender's PIN or resident's ID number. Monitoring of this line will be the responsibility of the Georgia Department of Corrections. **(115.51 A) (115.251 A)**
3. Offenders 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. **(115.51 B) (115.251 B)**
4. Staff shall accept reports made verbally, in writing, and from third parties and shall promptly document any verbal report on an incident report. Non-investigatory staff does not offer anonymity to offenders. **(115.51 C) (115.251 C)**
4. Staff shall forward all reports or observations of sexual abuse or sexual harassment to their immediate supervisor and/or the designated SART member promptly. Staff may also make anonymous reports in writing by dropping the written report in the suggestion box in the roll call room or placing the report in the Warden's or the Compliance Manager's mailbox. **(115.51 D) (115.251 D)**

5. Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities, and those with low literacy levels. **(115.16 AB) (115.216 A B)**
  - a. Offenders who are deaf, hard of hearing, blind; or those with intellectual, psychiatric, or speech disabilities will have equal opportunities to participate in or benefit from all aspects of PREA.
  - b. Written materials provided must be in formats that ensure effective communication with the disabled offender's.
  - c. Documentation of the affected offender's education must be maintained.
  - d. If an interpreter is needed, no offender/resident should be allowed to serve as an interpreter in a PREA-related matter unless the time delay required to obtain services from a non-offender would pose an immediate threat of death or serious injury to any person. Services of an interpreter can be obtained through the Correctional Institute through our officers; by contacting Hall County Interpretive Service or by accessing the language line through the Hall County E911 Center. **(115.16 C) (115.216 C)**

#### M. Offender/Resident Grievances

1. An offender shall not be required to use an informal grievance process or otherwise attempt to resolve an alleged incident of sexual abuse with employees. **(115.52 B 3) (115.252 B 3)**
2. Time limits will not be applied on when an offender may submit a grievance regarding an allegation of sexual abuse. **(115.52 B 1) (115.252 B 1)**
3. If a grievance contains allegations regarding sexual abuse and other allegations or complaints not involving sexual abuse, normal time guidelines shall be applied to the other allegations or complaints. **(115.52 B 2) (115.252 B 2)**
4. Unless extended by written notice to the offender, the facility will issue a final decision on any portion of a grievance that alleges sexual abuse within ninety (90) days of submittal. This does not include any time spent by the grievant preparing an appeal. **(115.52 D 1-2) (115.252 D 1-2)**
5. The facility may extend the time limit for issuing a final decision by a maximum of seventy (70) days. **(115.52 D 3) (115.252 D 3)**
6. Failure to issue a final decision within the time guidelines specified above may be treated as a denial of the grievance by the grievant. **(115.52 D 4) (115.252 D 4)**

7. Nothing in this section shall restrict HCCI's ability to defend against an offender lawsuit on the grounds that the applicable statute of limitations has expired. **(115.52 B 4) (115.252 B 4)**
8. An offender who alleges sexual abuse may submit a grievance without submitting it to an employee who is the subject of the complaint even if normal procedures would require that the grievance be submitted to that employee. **(115.52 C 1) (115.252 C 1)**
9. If an employee is the target of an allegation of sexual abuse contained in a grievance, that grievance will not be referred to that employee. **(115.52 C 2) (115.252 C 2)**
10. Third parties, including fellow offenders, employees, family members, attorneys, and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse or to file such requests on behalf of offenders. **(115.52 E 1) (115.252 E 1)**
11. If a third party files such a request on behalf of an offender, the facility may require, as a condition of processing the request, that the alleged victim agree to have the request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. **(115.52 E 2) (115.252 E 2)**
12. If the offender declines to have the request processed on their behalf, the facility shall document the offender's decision. **(115.52 E 3) (115.252 E 3)**
13. After receiving an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse, the facility shall immediately: **(115.52 F 1-2) (115.252 F 1-2)**
  - a. Forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Grievance Coordinator (or Duty Officer if after hours) so that immediate action can be taken to protect the health, safety, or welfare of the offender;
  - b. Provide an initial response within forty-eight (48) hours;
  - c. Issue a final decision within five (5) calendar days; and
  - d. Ensure that the initial response and final decision document the facility's determination whether the offender is in substantial risk of imminent sexual abuse and action taken in response to the emergency grievance. **(115.52 F 1-2) (115.252 F 1-2)**
14. The facility may only discipline an offender for filing a grievance related to

alleged sexual abuse when it can be demonstrated that the offender/resident filed the grievance in bad faith. **(115.52 G) (115.252 G)**

N. Offender Access to Outside Confidential Support Services

1. Appropriately trained local staff will be identified to provide advocate services to victims of sexual abuse. **(115.53 A) (115.253 A)**
2. “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 HCCI’s security practices, and should be addressed in any memorandum of understanding with the outside victim advocacy organization. **(115.53 A-B-C) (115.253 A-B-C)**
3. Third party reports may be made to the Ombudsman’s Office at 478-992-5358 or 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. **(115.54) (115.254)**

O. Official Response Following an Offender Report

1. Staff and Department Reporting Duties:
  - a. Staff who witness or receive a report of sexual abuse, 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 shift supervisor on duty and write a statement prior to departing the facility, in accordance with the Employee Standards of Conduct. Staff shall also report retaliation against offenders and staff for reporting abuse, as well as any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **(115.61 A) (115.261 A)**
  - b. The highest-ranking shift supervisor on duty at the facility who receives a report of sexual abuse, sexual harassment, shall report it to the Warden, Deputy Warden, or Chief of Security immediately.
  - c. The shift supervisor in charge shall notify the Compliance Manager and/or SART Team Leader as outlined in the SART Contact Sheet (see attachment # 6).
  - d. The Warden or his/her designee may make an initial inquiry to determine if a report of sexual abuse, sexual harassment, is a rumor or an allegation. Allegations of sexual abuse, sexual harassment, are considered major incidents and must be reported in accordance with this policy and HCCI incident reporting policy.

- e. Once reported, an evaluation by the SART Leader/Team (as designated by Attachment 6- IIA21-0001 ATT9 Local Procedure Directive) of whether a full response protocol is needed will be made (see section 28 CFR 115.65).
- f. The Warden or his or her designee shall report all allegations of identified incidents of sexual abuse to the Hall County Sheriff's Office for investigation in accordance with the HCSO-Criminal Investigations Division Manual entitled Sexual Assaults (see Attachment #14) and the Department's Compliance Manager immediately upon receipt of the allegation.
- g. Staff shall not disclose any information concerning sexual abuse, sexual harassment, or sexual misconduct of an offender, including the names of alleged victims or perpetrators to anyone other than necessary to make treatment, investigation and other security and management decisions. **(115.61 B) (115.261 B)**
- h. Staff members who fail to comply with the reporting provisions of this policy will be subject to disciplinary action, up to and including termination, whichever is applicable.
- i. Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section. It is also the responsibility of medical and mental health practitioners to inform offenders of the practitioner's duty to report and the limitations of confidentiality at the initiation of services. **(115.61 C) (115.261 C)**
- j. If the alleged victim is under the age of 18, or considered a vulnerable adult under a state or local vulnerable person's statute, the allegation shall be reported to the designated state or local services agency under applicable mandatory reporting laws. At this facility, the designated state and/or local reporting agency is: **(115.61 D) (115.261 D)**
  - 1. Department of Family and Children Service, Child Protective Services Section;
- k. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports are to be directed to the facility's designated investigator(s). **(115.61 E.) (115.261 E)**
- l. 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 awareness by staff of institution or unit climate and the reputations and behavior of offenders through activity paying attention to the following, for example:
    1. Offender communication
    2. Comments to staff
    3. Offender interactions
    4. Changes in offender 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.

P. Facility Protection Duties

1. Staff shall take immediate action to protect the offender when it is learned that an offender is subject to substantial risk of imminent sexual abuse. **(115.62)**  
**(115.262)**
  - a. Separate the alleged victim and abuser.
  - b. Ensure the alleged victim has been placed in safe housing which may be protective custody in accordance with GDC Policy Administrative Segregation IIB09-0001(209.06) Offender Discipline IIB02-0001 (209.01);

Note: Administrative Segregation should be considered for the alleged victim only as a last resort. The alleged victim and alleged abuser can never be placed in the same living unit. When the alleged abuser is known and is in the Maximum Security Unit, the Medical Segregation/Observation Unit would be the only option for the alleged victim.

- c. If this is a State offender and he is placed in Administrative Segregation, ensure that a SCRIBE case note indicating the reason for placement has been completed. An incident report shall be written. If it is a County offender or a resident in the Transitional Center.

- d. If the offender 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 if this is a State offender. \*The Care and Treatment member of SART has responsibility for completing the SCRIBE case note.
2. If the alleged perpetrator is a male offender, ensure that the alleged perpetrator has been placed in Administrative Segregation in accordance with GDC Policy IIB09-0001(209.06) “Administrative Segregation and IIB02-0001 (209.01); Disciplinary Isolation. If the alleged perpetrator is a resident in the Transitional Center, ensure that she has been transferred to HCCI. If the offender/victim is a County inmate, proper notification the their administration will be completed, and the inmate will be returned to their facility once approved by the Warden or his designee.
  - a. If placed in Administrative Segregation, ensure that a SCRIBE\_case note indicating the reason for placement has been completed if this is a State offender. An incident report shall be written if it is a County offender, proper notification to their facility will be made.
  - b. If the offender/resident 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 if this is a State offender. \*The Care and 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 work area, placing the staff member on administrative leave with pay “pending investigation into allegations of misconduct,” or temporarily banning the individual from the institution, whichever option the Warden deems appropriate.
4. If applicable, consult with the HCCI SART, County Field Operations Manager, the State PREA Coordinator, or State OIC Investigator, and Hall County Sheriff’s Office Criminal Investigations Division 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 offender file with specific reasons for returning the offenders/residents to the general

population or keeping the offenders/residents segregated. The facility Compliance Manager shall ensure the SART has evaluated the victim within 24 hours of the report.

5. Once HCSO Criminal Investigator or the State OIC Investigator has advised that there is sufficient evidence of sexual abuse, ensure closure of the matter by serving notice of adverse action or banning the staff member from the institution if the perpetrator is a staff member, making housing and classification changes if the perpetrator is an offender or in the Transitional Center, and updating the victim's offender/resident file with the incident information.

#### Q. Reporting to Other Confinement Facilities

- a. Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Warden (or his/her designee). Deputy Warden that received the allegation shall notify the Warden or Head Authority of the identified facility where the alleged abuse occurred and the State PREA Coordinator. **(115.63 A) (115.263 A)**
- b. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. **(115.63 B) (115.263 B)**
- c. Facility shall document that it has provided such notification. **(115.63 C) (115.263 C)**
- d. In a case where the Warden receives such notification from another facility that a former offender was abused while being housed at HCCI, the Warden shall ensure that the allegation is investigated in accordance with PREA standards. **(115.63 D) (115.263 D)**

#### R. Staff First Responder Duties

1. Upon receiving a report that an offender has been sexually abused, the staff member receiving the report shall immediately inform the shift supervisor so that the Medical Unit, SART, Warden (or designee), Duty Officer (If applicable), and Compliance Manager may be notified. At the same time, the following shall take place: **(115.64 A 1- 2) (115.264 A 1- 2)**
  - a. Separate the alleged victim and abuser;
  - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - c. If the abuse occurred within 72 hours, the officer shall advise the victim

and, separately, the abuser not to wash, shower, change clothes or otherwise hygienically clean or if the abuse was oral, not to eat, drink, smoke or brush their teeth or otherwise take any action such as urination or defecation, that could damage or destroy physical evidence pending completion of the gathering of that evidence and/or the initial investigation **(115.64 A 3-4) (115.264 A 3-4)**. (This means that if the abuser is put on Administrative Segregation at the time of the report, the abuser should continuously be watched until after Medical has conducted the necessary examination.)

- d. If the first 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. **(115.64 B) (115.264 B)**
- e. The alleged victim shall be promptly escorted under appropriate security provisions to the Medical Unit for assessment; the SART will implement local protocol in accordance with this policy.

#### S. Protection Against Retaliation

- 1. HCCI protects all offenders and staff who report sexual abuse or sexual harassment or cooperate with investigations from retaliation from other offenders and staff. **(115.67 A) (115.267 A)**
- 2. At HCCI, the Compliance Manager monitors retaliation through face to face visits with the applicable offender or staff and completes a report during the monitoring period. This report is stored in the investigative file. **(115.67 A) (115.267 A)**
- 3. For at least 90 days following a report of sexual abuse, the HCCI Compliance Manager shall monitor the conduct and treatment of offenders, residents and staff who reported the sexual abuse and of the offenders who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by offender's or staff, and shall act promptly to remedy any such retaliation.

Items monitored include:

- 1. Offender disciplinary reports
- 2. Housing or program changes
- 3. Negative performance reviews
- 4. Reassignments of staff

4. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. **(115.67 C) (115.267 C)**. In the case of offenders, monitoring shall also include periodic status checks. **(115.67 D) (115.267 D)**
5. HCCI has multiple protection measures; including housing changes, transfer for offender victims or abusers, removal of alleged staff, offender abuser from contact with victims and emotional support services for offenders or staff who fears retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. **(115.67 B) (115.267 B)**
6. HCCI shall take appropriate measures if any other individual who cooperates with the investigation expresses fear of retaliation. **(115.67 E) (115.267 E)**
7. Instances of substantiated retaliation is reported to the Deputy Warden for disposition.
8. HCCI's obligation to monitor shall terminate if the agency determines that the allegation is unfounded. **(115.67 F) (115.267 F)**

T. Investigation **(115.21 A-H) (115.221 A-H) (115.22 A-E) (115.222 A-E)**

- with
1. All direct and indirect allegations of sexual abuse or sexual misconduct/harassment will be promptly, thoroughly and objectively investigated by investigators specialized training in investigating incidents of sexual abuse and sexual misconduct/harassment. This training may include, but not be limited to: sexual abuse investigations; crime scene management; elimination of contamination; evidence collection protocol and crisis intervention. Training documentation will be kept on file at HCCI. All such investigations will be carried through to completion, regardless of whether the alleged abuser and/or victim remain at the facility. **(115.34 A B C) (115.234 A B C) (115.71 A B) (115.271 A B)**
  2. Reported or identified incidents of sexual abuse will be reported to the Hall County Sheriff's Office for investigation in accordance with the Criminal Investigations Division Policy S.O.P. 17- 10 entitled Sexual Assault Investigations (See Attachment 14). **(115.71) (115.271)**
    - b. If the reported/identified incident occurred outside of Hall County, the incident will be reported to the law enforcement agency having jurisdiction.
    - c. Staff members are required to fully cooperate with law enforcement

personnel who are investigating an alleged sexual abuse, with the exception of a staff member who is suspected of criminal activity and invokes their constitutional rights.

- d. Investigations of alleged sexual abuse, including the collecting of evidence, will be conducted in accordance with the Hall County Sheriff's Office Sexual Assault Investigation Unit and policies related to the Northeast Judicial Circuit and O.C.G.A. §15-24-2 and as accepted by the Superior Court of Hall County (see Attachment 14). **(115.71) (115.271)**
3. The sexual abuse medical examination will be provided at no cost to the victim by a qualified independent examiner.
    - a. If a victim refuses to submit to a sexual abuse examination, staff should explain the necessity and process of a sexual abuse examination; and the need for an independent practitioner to conduct the examination in order to check for injuries, sexually transmitted diseases, and to collect forensic evidence.
    - c. If the victim still refuses to be examined, medical staff should document the refusal and have the victim sign a refusal of treatment form.
4. The Warden or designee will:
    - a. Determine if an allegation of sexual misconduct, other than sexual abuse, involves criminal conduct that should be investigated by law enforcement personnel. Staff members are required to fully cooperate with law enforcement personnel who are investigating alleged criminal conduct, with the exception of a staff member who is suspected of criminal activity and invokes his/her constitutional rights.
    - b. Determine if an administrative investigation should be conducted by SART and/or the Professional Standards Unit in response to an alleged departmental rule violation(s). Any such administrative investigation will be separate and independent from any ongoing criminal investigation, and shall be conducted in accordance with the procedures and timelines outlined in HCCI Policy. Staff members are required to fully cooperate in any administrative investigation. If a administrative investigation reveals evidence of criminal conduct, the Warden will determine if the matter should be reported to and investigated by law enforcement personnel.
    - c. Notify the Georgia Department of Corrections' Field Operations Manager and the Statewide PREA Coordinator if a state offender is involved in an alleged sexual abuse/misconduct. In the event an investigation is conducted by personnel from the Georgia Department of Corrections, staff

will be required to cooperate with the assigned state investigator(s) to the same extent that is required pursuant to HCCI Policy. **(115.71) (115.271)**

- d. Ensure the investigation of alleged incidents occurring at or re-ported to other agencies. In the event a report is received concerning an alleged incident at another facility, the Warden will make written notification to the head of the agency where the alleged incident occurred; and provide the agency head with all relevant reports, statements, and evidence. If the head of another agency notifies the Warden of an alleged incident of sexual abuse/misconduct that occurred at this facility, the Warden will ensure that the allegation is investigated.
- e. Impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. **(115.72) (115.272)**

#### U. Investigative Findings

- 1. Following an investigation of a PREA allegation, the offender victim will be informed of the investigative findings (sustained, sustained other, not sustained, unfounded, or exonerated) within 10 business days of final disposition entered by the Warden or his/her designee. If an investigation exceeds thirty (30) calendar days, an update will be given to the complainant, either in writing or by telephone, informing them as to the status of the case until such time as the investigation has been completed. **(115.73 A) (115.273 A)**
  - a. In the event an allegation is investigated by personnel from an outside agency, a notification will come from the investigative agency, with a copy to the Warden. **(115.73 B) (115.273)**
  - b. Following an offender allegation that a staff member has committed sexual abuse against the offender, the Warden or his/her designee (Compliance Manager) shall subsequently inform the offender (unless the allegation is unfounded) whenever: **(115.73 C 1 2 3 4) (115.273 C 1 2 3 4)**
    - 1. The staff member is no longer posted within the offender's housing unit;
    - 2. The staff member is no longer employed at the facility;
      - a. HCCI learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
      - b. HCCI learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

- c. Following an offender allegation that he or she has been sexually abused by another offender, the Warden or his/her designee (Compliance Manager) shall subsequently inform the alleged victim whenever: **(115.73 D 1 2) (115.273 D 1 2)**
1. HCCI learns that the alleged abuser has been indicted on a charge related to sexual abuse within HCCI; or
2. When HCCI learns that the alleged abuser has been convicted on a charge related to sexual abuse within HCCI.
3. All such notifications or attempted notifications shall be documented by filing the letter of notification in the individual's PREA Investigative Case Report file. **(115.73 E) (115.273 E)**
4. HCCI's obligation to report under this standard shall terminate if the offender is released from custody. **(115.73 F) (115.273 F)**
5. Any identified criminal conduct will be reported to the appropriate prosecutor's office; and to relevant licensing/certifying bodies. **(115.76 D) (115.276 D)**

## V. Discipline

1. Disciplinary Sanctions for Staff
  - a. Staff that engages in sexual abuse or sexual misconduct/harassment with an offender shall be banned from the facility or subject to disciplinary action, up to and including termination, whichever is appropriate. **(115.76 A) (115.276 A)**
  - b. Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. **(115.76 B) (115.276 B)**  
Appropriate steps shall be taken to ensure fairness and due process.
  - c. Disciplinary sanctions for violations of HCCI policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) or for new reports of sexual abuse or harassment shall be commensurate with the nature and circumstance of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. **(115.76 C) (115.276 C)**
  - d. All terminations for violations of HCCI 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 are reported as required to the Georgia Peace Officers Standards and Training Council (POST) if this is

a sworn staff member. **(115.76 D) (115.276 D)**

2. Corrective Action for Contractors and Volunteers

- a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies and to relevant licensing bodies unless the activity was clearly not criminal. **(115.77 A) (115.277 A)**
- b. HCCI shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders/residents, in the case of any other violation of HCCI sexual abuse or sexual harassment policies by the contractor or volunteer. **(115.77 B) (115.277 B)**

3. Disciplinary Sanctions for Offenders

- a. HCCI prohibits all consensual sexual activity between offenders and offenders/residents may be subject to disciplinary action for such activity. Consensual (non-coerced) sexual activity between offenders / residents does not constitute sexual abuse, but is considered a disciplinary issue.
- b. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender / resident engaged in offender-on offender sexual abuse or a criminal finding of guilt for offender-on-offender sexual abuse. This section also is applicable to residents in the Transitional Center. These sanctions will be imposed in accordance with GDC Offender Discipline IIB02-0001 (209.01). **(115.78) (115.278 A)**
- c. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the offender disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. **(115.78 B) (115.278 B)**
- d. The disciplinary process shall consider whether an offender mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. **(115.78 C) (115.278 C)**
- e. If HCCI offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, HCCI shall consider whether to require the offender to participate in such interventions as a condition of access to programming or other benefits. **(115.78 D) (115.278 D)**
- f. HCCI may discipline an offender for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact **(115.78 E)**

**(115.278 E)**

- g. For the purpose of disciplinary action, a report of sexual abuse made in good faith based on reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation. **(115.78 F) (115.278 F)**
- h. Following an administrative finding of malicious intent on behalf of the offender making a false report, the offender shall be subject to disciplinary sanctions pursuant to a formal disciplinary process in accordance with GDC Offender Discipline IIB02-0001 (209.01)
- i. All sexual activity between offenders is prohibited within HCCI and subject to disciplinary sanctions if determined that the sexual activity is not coerced. **(115.78 G) (115.278 G)**

**W. Access to Emergency Medical and Mental Health Services and Ongoing Care**

- 1. Offender victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioner according to their professional judgement. **(115.82 A) (115.282 A)**
- 2. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall take the victim to the Medical Unit without any unnecessary delay. The on-duty medical staff will notify the Health Services Administrator, and document all actions taken and communications with the victim. **(115.82 B) (115.282 B) (115.62) (115.262)**
- 3. Offender victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. **(115.82 C) (115.282 C)**
- 4. Treatment services shall be provided to the victim without financial cost or medical co-pay and shall be provided whether the victim names the abuser or cooperates with any investigation arising out of the incident. **(115.82 D) (115.282 D) (115.83 G) (115.283 G)**
- 5. HCCI shall offer medical or mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility. **(115.83 A) (115.283 A)**

6. 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. **(115.83 B) (115.283 B)**
7. The facility shall provide such victims with mental health services consistent with the community level of care. **(115.83 C) (115.283 C)**
8. Offender victims of sexual abusive vaginal penetration while incarcerated shall be offered pregnancy tests. **(115.83 D) (115.283 D)**
9. If a pregnancy results from the penetrative sexual abuse incident, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. **(115.83 E) (115.283 E)**
10. Offender victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. **(115.83 F) (115.283 F)**
11. HCCI shall attempt to conduct a mental health evaluation of all known offender-on offender abusers within 60 days of learning of such abuse history and offer treatment where deemed appropriate by mental health practitioners. **(115.83 H) (115.283 H)**

X. Data Collection and Review

1. Sexual abuse incident reviews.
  - a. The Warden will ensure that an incident review of every sexual abuse/misconduct investigation is conducted within 30 days of the conclusion of the investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review team should include command staff members with input from SART members and/or other personnel selected by the Warden. **(115.86 A-B-C) (115.286 A-B-C)**
2. The review team shall: **(115.86 D 1-5) (115.286 D 1-5)**
  1. Consider whether the allegation or investigation indicates a need to change policy 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 the facility;

3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  4. Access the adequacy of staffing levels in that area during different shifts; and
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
3. The Deputy Warden or designee (Compliance Manager) shall prepare a report of the team's findings, including but not necessarily limited to determinations made pursuant to Section 2.a.-e. above and any recommendations for improvement, and submit such report to the Warden. **(115.86 D 6) (115.286 D 6)**
  4. The Warden will ensure that a monthly report is submitted electronically by the fifth business day of the month to the Statewide PREA Coordinator. 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 Statewide PREA Coordinator by e-mail advising status of case when it is closed. It is not necessary to submit a report when no PREA 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.
  5. The Warden will ensure that the recommendations for improvement are implemented or document reasons for not doing so. **(115.86 E) (115.286 E)**

## Y. Data Collection and Prosecution

### 1. Data Collection

- a. The PREA Investigation Database, maintained in Microsoft Access, is the electronic data collection system which tracks all allegations of sexual abuse defined by this policy. HCCI shall collect accurate, uniform data for every allegation of sexual abuse using the PREA Investigation Database. **(115.87 A) (115.287 A)**
- b. Allegations shall be input into the Database by HCCI Compliance Manager or other authorized staff as approved by the Warden who

shall track the investigations of all allegations of sexual abuse and sexual misconduct. **(115.87 E) (115.287 E)**

c. The incident-based 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 Statistics, which includes totals of the numbers of substantiated, unsubstantiated, unfounded and ongoing of the following: **(115.87 C) (115.287 C)**

1. Nonconsensual sexual acts;
2. Abusive sexual contacts (if counted separately from nonconsensual sexual acts);
3. Staff sexual misconduct;
4. Staff sexual harassment (if counted separately from staff sexual misconduct); and
5. Whether any occurred in privately operated facilities or in facilities operated by local government.

d. By inputting information into the PREA Investigation Database, the HCCI Compliance Manager, or authorized designee, shall make an aggregate report of the incident-based sexual abuse data at least annually. **(115.87 B) (115.287 B)**

e. The HCCI Compliance Manager shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. **(115.87 D) (115.287 D)**

f. Upon request, the HCCI Compliance manager shall provide all such data from the previous calendar year to the Department of Justice no later than June 30<sup>th</sup> of each year. **(115.87 F) (115.287 F)**

2. Prosecution

a. Substantiated allegations shall be presented to the Hall County District Attorney for a decision regarding prosecution. **(115.71 H) (115.217 H)** Administrative disciplinary action should be initiated on the aggressor (offender / resident or staff). The HCCI PREA Investigator shall work with HCSO Criminal Investigation Division and the District Attorney's Office to ensure those substantiated cases of sexual abuse are prosecuted.

b. The PREA Investigation Database which tracks all allegations of sexual

abuse defined by this policy shall be updated by HCCI Compliance manager or other authorized staff, to reflect the District Attorney's actions concerning PREA cases.

Z. Data Review for Corrective Action

1. The HCCI Compliance Manager shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, by including: **(115.88 A) (115.288 A)**
  - a. Identifying problem areas;
  - b. Taking corrective action on an on-going basis; and
  - c. Preparing an annual report of its findings and corrective actions. **(115.88 A) (115.288 A)**
2. The annual report by the HCCI Compliance Manager shall include a comparison of current year's data and corrective actions with those from prior years and shall provide an assessment of HCCI's progress in addressing sexual abuse. **(115.88 B) (115.288 B)**
3. HCCI's report shall be approved by the Warden and sent to the State Field Operation Manager (FOM) and State PREA Coordinator for inclusion in their annual report. **(115.88 C) (115.288 C)**
4. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility, but the nature of the material redacted must be indicated. **(115.88 D) (115.288 D)**

AA. Data Storage, Publication, and Destruction

1. The HCCI Compliance Manager shall ensure that data collected pursuant to **115.87** are securely retained. **(115.89 A) (115.289 A)**
2. The HCCI's Compliance Manager's annual report regarding all sexual abuse data from the facility is available to the public through the department's website at (<http://www.hallcounty.org/530/Correctional-Institute>). The report consist of Numbers only and shall not include personal identifiers or specific institutions. HCCI Compliance Manager will assist as requested in the submission of data For the report. **(115.89 B C) (115.289 B C)**
3. The HCCI Compliance Manager shall maintain sexual abuse data collected pursuant to **115.87** for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. **(115.89 D) (115.289 D)**

BB. Compliance Audits

1. HCCI shall conduct compliance audits pursuant to PREA standards (**115.401-405**). The audits will be conducted every three years on a schedule determined by the Warden. (**115.93**) (**115.293**)