	Gwinnett County Department of Corrections Policies and Procedures	Policy #: 3-5.3
Effective: January 1, 2019		Annual Review:
Supersedes: April 1, 2016		Approval: D. Johnson
Subject: Prison Rape Elimination Act (PREA)		

I. AUTHORITY:

Gwinnett County Department of Corrections Rule Number 1
Gwinnett County Department of Corrections Rule Number 59

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 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 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 Gwinnett County Department of Corrections, whether full-time, part-time, or temporary; and all persons serving GCDC as an intern, contractor, or volunteer.

IV. DIRECTIVES AFFECTED:

None

V. RELATED STANDARDS:

American Correctional Association Standards for Adult Correctional Institutions, 4th Ed, 4-4084 and 4-4084-1, 4-4281-1 through 4-4281-8, 4-4371, and 4-4406.

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)

VI. GENERAL DEFINITIONS: **(115.5)**

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 and granted sufficient time and authority to manage and oversee ongoing efforts to comply with PREA standards. The Compliance Manager serves the role of Coordinator for the Gwinnett County Comprehensive Correctional Complex. **(115.11 B) (115.211 B) (115.11 C)**

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 GCDC 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 hearing distance of the offender or resident.

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.

GCDC: Gwinnett County Department of Corrections

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

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

Inmate: Any person confined or sentenced to the Prison Work Camp in the Gwinnett County Comprehensive Correctional Complex for any amount of time.

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.

Intimate Body Part: genitalia, anus, groin, buttocks, inner thigh, mouth, or breasts of a person.

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 contact of one person, or any foreign object with the intimate body part of another person with the intent to abuse, arouse, or gratify the sexual desire of any person; against his/her will, including contact with those incapable of consenting or refusing.

Offender: Any person sentenced to confinement in the Gwinnett County Comprehensive Correctional Complex for any amount of time to include inmates, residents, and WAP participants.

Pat-down Search: A running of the hands over the clothed body of an offender by security staff 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 Work Release Program in the Gwinnett County Comprehensive Correctional Complex 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 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 by a staff member includes any of the following acts, with or without the consent of the offender:

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 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 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 has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;

7. Any display by a staff member 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.

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 sexual misconduct.

Sexual Abuse Nurse Examiner (SANE): Medical personnel qualified to perform sexual abuse examinations in cases involving offender(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 intimate body part 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.

Staff: All persons employed by GCDC, whether full-time, part-time, or temporary; and all persons serving GCDC as an intern, contractor, or volunteer.

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 breasts, 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 GCDC.

Voyeurism by a staff member: An invasion of privacy of an offender 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's naked body or of an offender performing bodily functions.

WAP Participant: Any person confined or sentenced to the Work Alternative Program in the Gwinnett County Comprehensive Correctional Complex for any amount of time.

Youthful Offender: Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

VII. POLICY:

It is the policy of the Gwinnett County Department of Corrections (GCDC) 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. GCDC has a zero-tolerance for incidents of sexual abuse and staff sexual misconduct/harassment. **(115.11 A) (115. 211 A)** It is not the function of GCDC to contract with outside agencies for the confinement of offenders **(115.12) (115.212)**; nor is it the function of GCDC to participate in collective bargaining **(115. 66) (115. 266)**

VIII. PROCEDURES:

A. Coordination of PREA Related Issues

1. The Lieutenant of Care and Treatment will serve as the Compliance Manager, unless a different person is designated in writing by the Warden. **(115.11 B) (115.211 B)**
2. The Compliance Manager will oversee the GCDC'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. GCDC has in place a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders against sexual abuse. This staffing plan is completed annually by the Deputy Warden of Security and complies with all the following.
 - a. GCDC 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, GCDC takes into consideration: **(115.13 A) (115.213 A)**
 1. Generally accepted detention and correctional practices; **(115.13 A 1)**
 2. Any judicial findings of inadequacy; **(115.13 A 2)**

3. Any findings of inadequacy from Federal investigative agencies; **(115.13 A 3)**
 4. Any findings of inadequacy from internal or external oversight bodies; **(115.13 A 4)**
 5. All components of the facility’s physical plant/layout (including “blind-spots” or areas where staff or the offenders/residents may be isolated); **(115.13 A 5) (115.213 A 1)**
 6. The composition of the offender population; **(115.13 A 6) (115.213 A A 2)**
 7. The number and placement of supervisory staff; **(115.13 A 7) (115.213 C 1 2 4)**
 8. Institution programs occurring on a particular shift; **(115.13 A 8)**
 9. Any applicable State or local laws, regulations, or standards; **(115.13 A 9)**
 10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and **(115.13 A 10) (115.213 A 3)**
 11. Any other relevant factors. **(115.13 A 11) (115.213 A 4)**
2. In addition to and along with other rounds as specified in GCDC 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 GCDC staff are prohibited from alerting other GCDC 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 GCDC’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; **(115.13 C 1) (115.213 C 1)**
 - b. Deployment of video monitoring systems or other monitoring technologies; and. **(115.13 C 2) (115.213 C 3)**
 - c. Prevailing staffing patterns and the resources the facility has available to commit to ensure adherence to the staffing plan. **(115.13 C 3) (115.213 C 2) (115.213 C 4)**
6. This policy shall act as GCDC'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 GCDC Administration. **(115.65) (115.265)**

C. Offender Supervision

- 1. The Gwinnett County Department of Corrections houses medium and minimum security offenders.
 - a. Juvenile offenders as defined by O.C.G.A. §15-11-2 or youthful offenders will not be housed in the facility – no exceptions. **(115.14)** If it is discovered that a youthful offender is in our facility and they cannot be immediately transferred back to the Gwinnett County Detention Center, they will be housed in our medical segregation unit to ensure separation from adult offenders until such time as the transfer can take place.
 - b. Female offenders will only be housed in a designated dormitory that is not accessible to male residents. Separate meal service will be provided for male and female residents.
 - c. No offender will be allowed to enter any dormitory other than his/her assigned dormitory unless escorted by an officer or other authorized employee.
 - d. No offender will be allowed to leave his/her assigned housing area except when going directly to/from an approved activity.
 - e. Inmates are **never** allowed to enter or remain in the Work Release Corridor unless supervised or escorted by an officer. Residents are **never** allowed to enter or remain in the Prison Corridor unless escorted by an officer.
 - f. The Master Control Room will be occupied at all times. The Work Release Control Room will generally be occupied at all times but during times of light activity, the shift supervisor may authorize leaving the Work Release Control Room unattended and transferring control to the Master Control Room.

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 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. GCDC 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 all staff. **(115.17 A 1-3) (115.217 A 1-3)**
2. GCDC 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. GCDC will conduct a thorough background investigation, including a criminal background check, of all employment applicants. **(115.17 C 1) (115.217 C 1)**
 - 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, GCDC 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, GCDC will conduct a criminal background check of the candidate for promotion in order to ensure that GCDC has up-to-date information regarding any criminal activity committed by the candidate. **(115.17 A F) (115.217 A F)**

5. GCDC 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. GCDC 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. GCDC 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, GCDC 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 GCDC'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-1) (115.231 A-1) (115.31 C) (115.231 C)**
 - a. Prevention, detection, response, reporting, and investigation of sexual abuse and sexual harassment; **(115.31 A 2) (115.231 A 2)**

- b. Offenders' and residents' right to be free from sexual abuse and sexual harassment; **(115.31 A 3) (115.231 A 3)**
 - c. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment; **(115.31 A 4) (115.231 A 4)**
 - d. The dynamics of sexual abuse and sexual harassment in confinement; **(115.31 A 5) (115.231 A 5)**
 - e. The common reactions of sexual abuse and sexual harassment victims; **(115.31 A 6) (115.231 A 6)**
 - f. How to detect and respond to signs of threatened and actual sexual abuse; **(115.31 A 7) (115.231 A 7)**
 - g. How to avoid inappropriate relationships with offenders/residents; **(115.31 A 8) (115.231 A 8)**
 - h. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders/residents; and **(115.31 A 9) (115.231 A 9)**
 - i. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. **(115.31 A 10) (115.231 A 10)**
3. In-service training shall be tailored to male and female offenders in the correctional program since we service both genders. **(115.31 B) (115.231 B)**
4. GCDC 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/residents. 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 in conducting such investigations in a confinement setting 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; 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 GCDC'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 PREA Resource Center's Specialized Training PREA Medical and Mental Health Standards curriculum. Certification of completion will be maintained in the contract employee's 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 C D) (115.235 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 of placement in General Population. **(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 shall receive one hour of annual training regarding sexual abuse and reporting. This training shall be documented in the offenders file as a progress note. **(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 (hearing, vision, speech, or cognitive) and those with low literacy levels. **[4-4281-1] (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 offender 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-offender would pose an immediate threat of death or serious injury to any person. Services of an interpreter can be obtained through the Gwinnett County Volunteer Interpreter's Program; or by accessing the language line through the Gwinnett County E911 Center at the non-emergency number of 770-513-5000. **(115.16 C) (115.216 C)**
 7. Offender participation in PREA educational sessions will be documented in writing and maintained in the offender's 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 breast, buttocks, or genitalia; except in the case of exigent circumstances or when such

viewing is incidental to routine cell or security checks. **(115.15 D) (115.215 D)**

2. No security camera will be placed or positioned in any offender toilet/shower area.
3. No staff member will monitor a security camera in a manner that allows him/her to view the breast, 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 camera surveillance system. **(115.15 D) (115.215 D)**
4. No staff member will photograph or video record any offender as he/she showers or performs bodily functions; or in a manner that allows viewing of the offender's breast, buttocks, or genitalia. 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 offenders' housing units where offenders 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's 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

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 GCDC Policy 3-1.3 (Control of Contraband). **(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. **[4-4194]**
4. A male officer will not pat search a female offender unless exigent circumstances require an immediate search and no female officer is immediately available. An

incident report will be completed whenever a male officer pat searches a female. This requirement shall not restrict female offenders' access to regular available programming or other out-of-cell opportunities in order to comply with this provision. **(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. **[4-4193]**

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 prior to being placed in general population. **(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 classification 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, he or she may not be disciplined. **(115.41 H) (115. 241 H)**

The offender may change his or her mind at any time during their stay at the correctional complex and be allowed to complete the PREA Sexual Victim/Sexual Aggressor Classification Screening Form.
3. 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 that may increase risk of sexual abuse or harassment;
2. The age of the offender;
3. The physical build of the offender;
4. Whether the offender has previously been incarcerated;
5. Whether the offender's 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 offender's 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.).

4. 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 GCDC, in assessing offenders for risk of being sexual abusive. **(115.41 E) (115.241 E)**
5. Counselor/Caseworker staff shall reassess the offender's risk level within 30 days of their initial arrival at the institution and at least annually thereafter. **(115.41 F) (115.241 F)**
6. PREA Compliance Manager shall reassess offender's risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. **(115.41 G) (115.241 G)**
7. 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, Warden, Deputy Warden, Chief of Security, Medical and Counselors 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)**

K. Use of Screening Information and Housing Assignment

1. The facility shall use information from the risk screening required by 28 CFR 115.41 and 115.241 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. GCDC makes individualized determinations about how to ensure the safety of each offender 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 or female unit/area, 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 (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. Offenders 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 and shall be referred to mental health for additional assessment.
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) (115.68) 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 1 2). 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 C)**
 - b. Offenders in Protective Custody or Administrative Protective Custody shall have access to the privileges allowed in the segregation unit per GCDC Policy # 3-4.1, Administrative Segregation and Disciplinary

Isolation. If access to programs, privileges, education or work opportunities are restricted beyond those allowed by GCDC Policy 3-4.1, 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)**
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)**. 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 or by email at PREA.report@gdc.ga.gov from anyone with e-mail access. Any offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consultant officials and relevant officials at The Department of Homeland Security. Offenders shall be encouraged to report allegations immediately and directly to staff at all levels. All reports will be promptly documented. **[4-4281-7] (115.51 A) (115.251 A)**
2. The facility will maintain a **sexual abuse hotline**, currently known as the“PREA” hotline (077 from any inmate phone or 1-888-992-7849 from any phone with outside facility access). This call will not require the use of the offender’s PIN or 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)**
5. 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)**

6. Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities, and those with low literacy levels. **(115.16 A B) (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. **(115.16 A) (115 216 A)**
 - b. Written materials provided must be in formats that ensure effective **(115. 16 A) (115 216 A)** 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 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 Gwinnett County Volunteer Interpreter's Program; or by accessing the language line through the Gwinnett County E911 Center. **(115.16 C) (115.216 C)**

M. Offender 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. Offender will be notified in writing of any such extension and provided a date by which a decision will be made. **(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 GCDC'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 his/her 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 Facility Compliance Manager or Primary SART Investigator or the Duty Officer if unable to contact either the Compliance Manager or Primary Investigator 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 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. Offenders will have access to outside victim advocate pursuant to the Memorandum of Understand between Gwinnett County Department of Corrections and Mosaic Georgia. Offenders will be provided with the mailing address and the toll free hotline number. The facility will enable reasonable communication between these offenders and this organization, in as confidential a manner as possible. The facility will inform offenders, prior to granting access, of the extent to which such communication will be monitored and the extent to which reports of abuse will be reported to authorities in accordance with mandatory reporting laws. A copy of this MOU is maintained in the GCDC Compliance Manager's Office. **(115.53 A B C) (115.253 A B C)**
3. "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 GCDC'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)**
4. 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 immediately to the shift supervisor on duty and to a member of the SART Team and write a statement within one hour of this report. 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 Compliance Manager and/or the Primary SART Investigator and implement the Coordinated Response Plan to Sexual Assault if deemed appropriate.
- c. The shift supervisor in charge shall then notify the Warden, Deputy Warden, or Captain of Security immediately as designated by the Local Procedure Directive (Attachment 6 IIA21-0004 ATT9-Local Procedure Directive)
- d. The Compliance Manager or Investigator 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 GCDC Policy 3-1.18, Incident Reporting.
- 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/her designee shall report all allegations of identified incidents of sexual abuse to the Gwinnett Police Department for investigation in accordance with Section 19.0.0 of the GCDP Criminal Investigations Division Manual entitled Sexual Assaults (see Attachment 7) and the Department's Compliance Manager immediately upon receipt of the allegation. The Warden or his/her designee shall also notify the Georgia Department of Corrections' County Prisons Coordinator, Statewide PREA Coordinator and the Office of Investigations and Compliance (OIC) Senior Investigator if a state inmate is involved in an alleged sexual assault for investigation along with GCPD. **(115.22 B) (115.222 B)**
- 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. For Child Abuse (Anyone under 18 years of age): Report to The Department of Family and Children Service, Child Protective Services Section.
2. To make a report of child abuse: Please call the DFCS Child Protective Center at: 1-855-GACHILD / 1-855-422-4453. Reports are taken 24 hours a day, 7 days a week.
3. For Vulnerable Adults where abuse occurs in a community setting (Anyone 18 or over but unable to defend themselves): Report to The Department of Human Services Division of Aging Services Adult Protective Services (APS).
4. To make a report of community based elder abuse: Please call APS toll-free at: 1-866-55AGING (1-866-552-4464) - Press "3"
Reports are accepted by phone Monday through Friday 8 a.m. to 5 p.m. If you have an immediate emergency, please call 911 or your local police department. **(115.61 D) (115.261 D)**
5. For Vulnerable Adults where abuse occurs in a licensed facility (Anyone 18 or over but unable to defend themselves): Report to The Department of Human Services Division of Healthcare Facility Regulation (DHR).
6. To make a report of healthcare facility based elder abuse: Please call DHR toll-free at: 1-800-878-6442 Reports are accepted by phone Monday through Friday 8 a.m. to 5 p.m. If you have an immediate emergency, please call 911 or your local police department. **(115.61 D) (115.261 D)**

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 GCDC Policy 3-4.1 “Administrative Segregation and Disciplinary Isolation”;

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. An incident report shall be written within 1 hour. If this is a state offender and they are placed in administrative segregation, ensure that a SCRIBE case note indicating the reason for placement has been completed.
- 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 GCDC Policy 3-4.1 “Administrative Segregation and Disciplinary Isolation.” If the alleged perpetrator is a female offender in work release, ensure that she has been transferred to the Gwinnett County Detention Center.
 - a. An incident report shall be written within 1 hour. If this is a state offender and they are placed in administrative segregation, ensure that a SCRIBE case note indicating the reason for placement has been completed.
 - b. If the offender 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 GCDC SART, Georgia Department of Corrections’ County Prisons Coordinator, State PREA Coordinator, or State OIC Senior Investigator, and Gwinnett County Police Department 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’s file with specific reasons for returning the offenders to the general population or keeping the offenders segregated. The facility Compliance Manager shall ensure the SART has evaluated the victim within 24 hours of the report.
5. Once GCPD Criminal Investigator or the State OIC Senior 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 in work release, and updating the victim’s offender 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 GCDC, 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; **(115.64 A 1) (115.264 A 1)**
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; **(115.64 A 2) (115.264 A 2)**
 - c. If the abuse occurred within 120 hours, the officer shall request the victim not to wash, shower, change clothes or otherwise hygienically clean any items or 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) (115.264 A 3)**
 - d. If the abuse occurred within 120 hours, the officer shall ensure the abuser does not to wash, shower, change clothes or otherwise hygienically clean or otherwise take any action that could damage or destroy physical evidence pending completion of the gathering of that evidence and/or the initial investigation. **(115.264 A 4)** (This means that the abuser is put into Administrative Segregation, in a “dry cell” immediately and should continuously be watched until the necessary examination.) **(115.64 A 4)**
 - e. 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)**
 - f. 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. GCDC 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 GCDC, 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 investigation file. **(115.67 A) (115.267 A)**
3. For at least 90 days following a report of sexual abuse, the GCDC Compliance Manager shall monitor the conduct and treatment of offenders 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 offenders or staff, and shall act promptly to remedy any such retaliation. Items monitored include: **(115.67 C) (115.267 C)**
 1. Offender disciplinary reports **(115.67 C) (115.267 C)**
 2. Housing or program changes **(115.67 C) (115.267 C)**
 3. Negative performance reviews **(115.67 C) (115.267 C)**
 4. Reassignments of staff **(115.67 C) (115.267 C)**
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. GCDC 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. GCDC 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 shall be reported to the Deputy Warden for disposition.
8. GCDC's obligation to monitor shall terminate if the agency determine that the allegation is unfounded. **(115.67 F) (115.267 F)**

T. Investigations

1. The Warden 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. The SART team is responsible for the initial inquiry and subsequent administrative investigations of all allegations of sexual abuse or sexual harassment with limitations. **(115.22 A) (115.222 A)** In cases where allegations are made against staff members and the SART inquiry deems 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. If there is potential for a criminal investigation, no interview shall be conducted, nor a statement be collected from the accused staff member without first consulting the Gwinnett County Police Department Criminal Investigations Division.
3. The Warden or his/her designee shall report all allegations of sexual assault with penetration and those with immediate and clear evidence of physical contact to the Gwinnett County Police Department for investigation in accordance with Section 19.0.0 of the GCPD Criminal Investigations Division Manual entitled Sexual Assault (See Attachment 7). The Warden shall also notify the Georgia Department of Corrections' County Prisons Coordinator, Statewide PREA Coordinator and the Office of Investigations and Compliance (OIC) Senior Investigator if a state offender is involved in an alleged sexual assault for investigation along with GCPD. **(115.22 B) (115. 222 B)**
 - a. The GCPD shall dispatch an investigator(s) who has received special training in sexual abuse investigations in a confinement setting pursuant to **(115.34)** to conduct an investigation in accordance with the Gwinnett Sexual Abuse Protocol as adopted pursuant to O.C.G.A. §15-24-2 and as accepted by the Superior Court of Gwinnett County (see Attachment 8). **(115.71 B) (115. 271 B)** Documentation of this training is on file in the Compliance Manager's Office. **(115.34 C) (115.234 C)**
 - b. GCPD investigators shall gather and preserve direct and circumstantial evidence including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. **(115.71 C) (115.271 C)**
 - c. When GCPD criminal investigation is completed pertaining to an employee, the investigation will be turned over to the Professional Standards Unit to conduct any necessary compelled administrative interviews after consulting with prosecutors as to whether compelled interviews may be an obstacle to subsequent criminal prosecution. **(115.71 D) (115.271 D)**

- d. The credibility of the victim, suspect, or witness shall be assessed on an individual basis and will not be determined by the person's status as offender or staff member. An offender who alleges sexual abuse shall 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. **(115.71 E) (115.271 E)**
4. At the conclusion of each SART investigation, all SART investigations shall be turned over to the Warden for an administrative review.
5. For investigations of allegations of sexual abuse, GCDC, GCPD and OIC 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 103.06 (Investigations of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders), and Gwinnett Sexual Assault Protocol. **(15.21 A) (115.221 A)**
6. The protocol shall be developmentally appropriate for youth where applicable and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examination, Adult/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. **(115.21 B) (115.221 B)**
7. At GCDC, forensic medical examinations will be offered to all victims of sexual abuse, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. In a written Memorandum of Understanding (MOU) with Mosaic Georgia, such examination will be performed at the Correctional Facility or Gwinnett Medical Center by Sexual Assault Nurse Examiners (SANEs) or if no SANE is available by a licensed medical practitioner trained to conduct such examinations. **(115.21 C) (115.221 C)**
8. Offender victims of sexual abuse while incarcerated at GCDC will be offered a victim advocate in accordance to a written Memorandum of Understanding (MOU) with Mosaic Georgia rape crisis center as part of the Gwinnett County Sexual Assault Protocol. This will be provided at the Correctional Facility or Gwinnett Medical Center by a Mosaic Georgia advocate or a qualified employee staff advocate to support the victim through the forensic medical examination and investigatory interview process and to provide emotional support, crisis intervention, information and referrals. **(115.21 D E) (115.221 D E)**
9. The requirements of this section also apply to any State agency outside of GCDC or any Department of Justice Agency that assists in the investigation of a sexual abuse complaint at GCDC. **(115.21 G 1 2) (115.221 G 1 2)** Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to PREA requirements. **(115.71 K) (115.271 K)**

10. When GCDC is not responsible for investigating allegations of sexual abuse, GCDC shall request that the investigative agency follow the requirements of PREA Standard 115.22 sections A-E; **and shall maintain documentation of this request. (115.21 F) (115.221 F) (115.22 C) (115.222 C)**
11. The GCDC Warden or designee shall request any State entity or Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment to submit to GCDC their policy governing the conduct of such investigations in compliance with PREA standards. **(115.22 D E) (115.222 D E)**
12. Investigations, criminal and administrative, into allegations of sexual abuse shall be prompt, thorough, and objective for all allegations, including those reported by third-party and anonymously.**(115.71 A) (115.271 A)**
13. Administrative investigations shall include an effort to determine whether staff member actions or failure to act contributed to the abuse. This shall 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. **(115.71 F 1 2) (115.271 F 1 2)**
14. Criminal investigations shall 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.**(115.71 G) (115.271 G)**
15. Substantiated allegations of conduct that appears criminal will be referred for prosecution. **(115.71 H) (115. 271 H)**
16. GCDC PREA Compliance Manager will maintain all such written reports as long as the alleged abuser is incarcerated or employed by this facility, plus five years. **(115.71 I) (115.271 I)**
17. The departure of the alleged abuser or victim from the employment or control of GCDC shall not provide a basis for terminating the investigation. **(115.71 J) (115.271 J)**
18. When GCPD, or any other outside agency investigate sexual abuse incidents at GCDC, staff members are required to fully cooperate with the investigator(s) who are conducting the investigation and shall endeavor to remain informed about the progress of the investigation, with the exception of a staff member who is suspected of criminal activity and invokes his/her constitutional rights. **(115.71 L) (115.271 L)**
19. There shall be 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's 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; **(115.73 C 1) (115.273 C 1)**
 2. The staff member is no longer employed at the facility; **(115.73 C 2) (115.273 C 2)**
 3. GCDC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or **(115.73 C 3) (115.273 C 3)**
 4. GCDC learns that the staff member has been convicted on a charge related to sexual abuse within the facility. **(115.73 C 4) (115.273 C 4)**
 - c. Following an offender's 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. GCDC learns that the alleged abuser has been indicted on a charge related to sexual abuse within GCDC; or **(115.73 D 1) (115.273 D 1)**
 2. When GCDC learns that the alleged abuser has been convicted on a charge related to sexual abuse within GCDC. **(115.73 D 2) (115.273 D 2)**
2. 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)**
3. GCDC's obligation to report under this standard shall terminate if the offender is

released from custody. **(115.73 F) (115.273 F)**

4. 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 GCDC 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 GCDC 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) 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. GCDC shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of GCDC sexual abuse or sexual harassment policies by the contractor or volunteer. **(115.77 B) (115.277 B)**

3. Disciplinary Sanctions for Offenders

- a. GCDC prohibits all consensual sexual activity between offenders, and offenders may be subject to disciplinary action for such activity. Consensual (non-coerced) sexual activity between offenders 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 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 work release. These sanctions will be imposed in accordance with GCDC Policy 3-3.1 (Inmate Discipline). **(115.78 A) (115.278 A)**
- c. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the offender's 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's 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 GCDC offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, GCDC 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. GCDC 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 GCDC Policy 3-3.1 (Inmate Discipline).
- i. All sexual activity between offenders is prohibited within GCDC and subject to disciplinary sanctions even 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 practitioners 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. GCDC 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. GCDC 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)**

a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **(115.86 D 1)** **(115.286 D 1)**

b. 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; **(115.86 D 2)** **(115.286 D 2)**

c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; **(115.86 D 3)** **(115.286 D 3)**

d. Assess the adequacy of staffing levels in that area during different shifts; and **(115.86 D 4)** **(115.286 D 4)**

e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. **(115.86 D 5)** **(115.286 D 5)**

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 Excel, is the electronic data collection system which tracks all allegations of sexual abuse defined by this policy. GCDC 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 GCDC 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 non-consensual 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 GCDC 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 GCDC 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 GCDC Compliance manager shall provide all such data from the previous calendar year to the Department of Justice no later than June 30th of each year. **(115.87 F) (115.287 F)**

2. Prosecution

- a. Substantiated allegations shall be forwarded to the Gwinnett County District Attorney for a decision regarding prosecution. **(115. 22 A) (115.222 A) (115.71 H) (115.271 H)**. Administrative disciplinary action should be initiated on the aggressor (offender or staff). The GCDC PREA Investigator shall work with GCPD Criminal Division Investigators and the District Attorney's Office to ensure appropriate criminal prosecution of substantiated cases of sexual abuse.
- b. The PREA Investigation Database which tracks all allegations of sexual abuse defined by this policy shall be updated by GCDC Compliance Manager, or other authorized staff, to reflect the District Attorney's actions concerning PREA cases.

Z. Data Review for Corrective Action

- 1. The GCDC 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; **(115.88 A 1) (115.288 A 1)**
 - b. Taking corrective action on an on-going basis; and **(115.88 A 2) (115.288 A 2)**
 - c. Preparing an annual report of its findings and corrective actions. **(115.88 A 3) (115.288 A 3)**
- 2. The annual report by the GCDC 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 GCDC's progress in addressing sexual abuse. **(115.88 B) (115.288 B)**
- 3. GCDC's report shall be approved by the Warden and made readily available to the public through the department's website. **(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 GCDC Compliance Manager shall ensure that data collected pursuant to **115.87** are securely retained. **(115.89 A) (115.289 A)**
2. The GCDC's Compliance Manager's annual report regarding all sexual abuse data from the facility is available to the public through the Department's website www.gwinnettcountry.com/portal/gwinnettdepartment/corrections. The report consists of numbers only and shall not include personal identifiers or specific institutions. GCDC administrators and GCDC Compliance Manager will assist as requested in the submission of data for this report. **(115.89 B C) (115.289 B C)**
3. The GCDC 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. GCDC 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)**

CC. ATTACHMENTS

1. Sexual Assault/Sexual Misconduct Acknowledgement Statement – Employee
2. Sexual Assault/Sexual Misconduct Acknowledgement Statement – Non Employee
3. PREA Sexual Victim/Aggressor Classification Screening Form
4. PREA Reassessment Screening Form
5. Receiving Health Screening Form
6. Sexual Assault Coordinated Response Plan
7. Gwinnett County Police Department Divisional Order 19.0.0 (Sexual Assaults)
8. Gwinnett Sexual Assault Protocol
9. 90 Day Offender PREA Retaliation Review Check Sheet
10. 90 Day Employee PREA Retaliation Review Check Sheet

11. Sexual Abuse Allegation Response Memo

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS

**Sexual Assault/Sexual Misconduct
Acknowledgement Statement for Employee**

I have read the department’s policy regarding the Prison Rape Elimination Act (PREA), including all definitions provided within the policy, and I understand that the Gwinnett County Department of Corrections has a zero tolerance policy regarding sexual contact with offenders. My signature on this document constitutes my written agreement to abide by the policy as a condition of my employment; and acknowledges my understanding of the following information:

- I am not to engage in any behavior of a sexual nature with any offender sentenced to the Gwinnett County Comprehensive Correctional Complex;
- I am required to immediately notify a supervisor if I witness any inappropriate behavior of a sexual nature involving an offender, or if someone reports any such behavior to me;
- My authorization to enter the Gwinnett County Correctional Complex and/or to work with offenders housed in the correctional complex is contingent on my written agreement to comply with the aforementioned policy;
- Violation of the aforementioned policy will result in disciplinary action, up to and including termination of employment; and,
- Violation of §16-6-5.1 of the Official Code of Georgia Annotated (Sexual Assault Against Persons in Custody) is a felony punishable by imprisonment for not less than ten nor more than thirty years.

Signature

Date

Name (Typed or Printed)

Witness Signature

Date

Witness Name (Typed or Printed)

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS

Sexual Assault/Sexual Misconduct
Acknowledgement Statement for Non-Employee

I have read the department’s policy regarding the Prison Rape Elimination Act (PREA), including all definitions provided within the policy, and I understand that the Gwinnett County Department of Corrections has a zero tolerance policy regarding sexual contact with offenders. My signature on this document constitutes my written agreement to abide by the aforementioned policy and acknowledges my understanding of the following information:

- I am not to engage in any behavior of a sexual nature with any offender sentenced to the Gwinnett County Comprehensive Correctional Complex;
- I am required to immediately notify an employee of the department if I witness any inappropriate behavior of a sexual nature involving an offender, or if someone reports any such behavior to me;
- My authorization to enter the Gwinnett County Correctional Complex and/or to work with offenders housed in the correctional complex is contingent on my written agreement to comply with the aforementioned policy; and any violation of the policy on my part may result in banishment from the complex and/or criminal prosecution.
- Violation of §16-6-5.1 of the Official Code of Georgia Annotated (Sexual Assault Against Persons in Custody) is a felony punishable by imprisonment for not less than ten nor more than thirty years.

Signature

Date

Name (Typed or Printed)

Witness Signature

Date

Witness Name (Typed or Printed)

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS
PREA SEXUAL VICTIM/SEXUAL AGGRESSOR CLASSIFICATION SCREENING

Offender Last Name, First Name _____

Offender Number _____

Special Needs Assessment

- | | | | |
|---|---------|---------|-------|
| 1. Offender's Primary Language | English | Spanish | Other |
| 2. Offender able to read and write? | English | Spanish | Other |
| 3. Did you read and understand the pamphlet provided? | Yes | No | |

Sexual Victim Factors

- | | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|
| 1. Is the offender a former victim of institutional (prison or jail) rape or sexual assault? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the offender 25 years old or younger or 60 years or older? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the offender small in physical stature?
<small>(Female-less than 110 lbs.; Male-less than 5'5 and/or less than 150lbs.)</small> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the offender have a developmental disability/mental illness/physical disability? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is this the offender's first incarceration ever (prison or jail)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the offender have a history of prior sexual victimization (sexual abuse)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Is the offender's own perception that of being vulnerable? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Does the offender have a criminal history (convictions) that is exclusively non-violent? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the offender have a conviction(s) for sex offenses against adult and/or child? | <input type="checkbox"/> | <input type="checkbox"/> |

Total Number of Checks: Items 2- 10 _____

Sexual Aggressor Factors

- | | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|
| 1. Does the offender have a past history of institutional (prison or jail) sexually aggressive behavior? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the offender's current offense sexual abuse/sexual assault toward others (adult and/or child)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the offender have a prior conviction(s) for violent offenses? | <input type="checkbox"/> | <input type="checkbox"/> |

Total Number of Checks: Items 2- 4 _____

Additional Comments/Observations:

Inmate Signature

Date

Interviewer's Signature

Date

Revised 02.10.2016

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS

PREA REASSESSMENT SCREENING

Gwinnett County Comprehensive Correctional Complex
Institution

Offender Name _____

GDC # _____

Reason for Reassessment

	YES	NO
1. 30 Day Reassessment?	<input type="checkbox"/>	<input type="checkbox"/>
2. 180 Day Reassessment for LGBTI?	<input type="checkbox"/>	<input type="checkbox"/>
3. Annual Reassessment?	<input type="checkbox"/>	<input type="checkbox"/>
4. Significant Incident Reassessment?	<input type="checkbox"/>	<input type="checkbox"/>

Reassessment Questions

	YES	NO
1. Since your arrival at this facility, have you been assaulted or threatened with assault?	<input type="checkbox"/>	<input type="checkbox"/>
2. Since your arrival have you been forced or coerced to engage in sexual activity?	<input type="checkbox"/>	<input type="checkbox"/>
3. Since your arrival has anyone made sexual advances towards you?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you fear placement in general population?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you know how to find help if anyone threatens or assaults you?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do you know how to report any assault to you or anyone else?	<input type="checkbox"/>	<input type="checkbox"/>

Inmate Signature

Date

Staff Interviewer Signature

Date

Revised 11.2.2015

GEORGIA DEPARTMENT OF CORRECTIONS

Receiving Health Screening Form

Facility _____ Date / / Time : :


Name _____

GDC No. _____

Date of Birth / / Sex

This form should be completed by a Nurse or a Correctional Officer. 208.06 ATT8

<p>I. List prescription and OTC medications and dosage. Did the medication arrive with the inmate?</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>DRUG NAME and DOSAGE</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Arrive w/ Inmate?</u></th> </tr> </thead> <tbody> <tr> <td>1. _____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>2. _____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>3. _____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>4. _____</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </tbody> </table> <p>II. Allergies to medications or other substances?</p> <p>_____</p> <p>_____</p> <p>III. 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Obtain additional medical records from:</p> <p>_____</p> <p>_____</p> <hr/> <p style="text-align: center;">A CORRECTIONAL OFFICER OR NURSE SHOULD COMPLETE THE FOLLOWING TWO SECTIONS.</p> <p>XII. Correctional Officer Disposition</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Notify Licensed Health Care Provider</td> <td><input type="checkbox"/></td> </tr> <tr> <td style="padding-left: 20px;">Transport to Outside Medical Facility</td> <td><input type="checkbox"/></td> </tr> <tr> <td style="padding-left: 20px;">Routine Processing</td> <td><input type="checkbox"/></td> </tr> </table> <p>XIII. 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	Gwinnett County Department of Corrections Policies and Procedures	Policy #: 3-2.16
Effective: April 1, 2016		Annual Review:
Supersedes: New Issue		Approval: D. Johnson
Subject: Emergency Plans & Procedures – Coordinated Response Plan to Sexual Assault		

I. AUTHORITY:

Gwinnett County Department of Corrections Rule Number 1
Gwinnett County Department of Corrections Rule Number 59

II. PURPOSE:

To provide a coordinated response plan to staff responding to allegations and occurrences of sexual abuse, sexual harassment, and sexual activity of inmate, resident, and facility staff.

III. APPLICABILITY:

All staff of the Gwinnett County Department of Corrections to include employees, contractors, volunteers, and visitors.

IV. DIRECTIVES AFFECTED:

None

V. RELATED STANDARDS:

National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) Prison and Jail Standards 115.65

National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) Community Confinement Standards 115.265

American Correctional Association Standards for Adult Correctional Institutions, 4th Ed., 4-4056, 4-4132, 4-4133, 4-4192, 4-4193, 4-4194, 4-4371, 4-4406

VI. POLICY:

It is the policy of the Gwinnett County Department of Corrections (GCDC) 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. **GCDC has a zero-tolerance for incidents of sexual abuse and staff sexual misconduct/harassment.**

VII. PROCEDURES:

- A. The Shift Supervisor, or other person acting as the Incident Commander, may implement this emergency plan upon learning that a report or allegation of sexual abuse, sexual harassment, or sexual activity has been made.
- B. First and foremost, staff members must maintain their composure during any emergency situations and carry out their duties in a calm and professional manner.

1. Actions required after a report of sexual abuse

- a. When an offender makes a report of sexual abuse or is at risk of imminent sexual abuse, it is necessary for the staff member to take immediate action to protect the alleged victim. Staff shall report and respond to all allegations of sexually abusive behavior and sexual harassment. Staff members should assume all reports of sexual victimization, regardless of the source, are credible and respond accordingly. Reports can be received verbally, anonymously, written, or by third party.
- b. Only designated employees specified by policy should be informed of the incident. It is essential to respect the victim's safety, security, privacy, and identity. All allegations of sexual abuse shall be handled in a confidential manner throughout the investigation.
- c. All conversations and contact with alleged victims by staff should be conducted in a sensitive, supportive, and non-judgmental manner.

2. First Responder's Responsibilities

- a. Upon the report or discovery of an incident of sexual abuse/ sexual assault by a non-security staff member, the staff member should request that the alleged victim not take any action that could destroy physical evidence. The staff member should remain with the alleged victim and notify security staff.
- b. Upon the report or discovery of an incident of sexual abuse/sexual assault by a security staff member, the officer shall:
 - i. Intervene in any in-progress assaults and separate the alleged victim and abuser.
 - ii. Detain the abuser.
 - iii. Call for emergency medical care for the victim, if necessary.
 - iv. Immediately notify the shift supervisor and remain on the scene

until relieved by responding personnel.

- v. Preserve and protect the crime scene until appropriate steps can be taken to collect evidence.
- vi. **Request** that the victim *not* take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- vii. **Ensure** that the alleged abuser *not* take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating. Place the alleged abuser in a dry cell.
- viii. Document detailed descriptions of:
 - 1. Victim and abuser locations and affect (emotions, appearance, etc.)
 - 2. Wounds or injuries and where they are on the person.
 - 3. Anything the alleged victim or alleged abuser reported or said.
 - 4. Do not ask the alleged victim for any details regarding what happened or ask the alleged abuser any questions. Miranda warnings may apply.
- c. Apart from reporting to designated supervisors, staff shall not reveal any information related to the incident to anyone other than to staff involved with the investigation of the alleged incident.

3. Shift Supervisor's Responsibilities

- i. Attend to the victim. Ensure the alleged victim is assessed by medical staff for emergency medical issues and prepare housing separate and away from the abuser and/or any witnesses. A security staff member of the same gender shall remain with the victim outside the cell or area for direct observation to **request** the victim not take actions that could destroy or damage potential evidence. **The alleged victim is not to be left alone at any time until evaluated by Mental Health Staff for suicide risk.**
- ii. Assign a security officer to secure the crime scene and begin a crime scene log.
- iii. Relocate the alleged abuser to a secure area (dry cell) under direct supervision of a security officer of the same gender and ensure the alleged abuser does not destroy potential evidence (i.e., wash, shower, change clothing etc.)
- iv. Notify the Duty Officer, the PREA Compliance Manager, and the SART Investigator. The Duty Officer will notify the Warden through the chain

of command.

- v. The reporting officer shall fully document the incident. All persons that played a role in the response shall fully document their actions by providing as much detail as possible. The reporting officer shall remain on duty until properly debriefed and relieved as appropriate.

4. Investigator's Responsibilities

- i. A brief interview will be conducted by the Sexual Assault Response Team (SART) investigator with the alleged victim and the alleged abuser separately and apart from one another to determine if the sexual contact was consensual or non-consensual.
- ii. Any staff member involvement is treated as non-consensual and the investigation will be coordinated with the Gwinnett County Police Department - Special Victims Unit (SVU). If the activity is found to be consensual, refer to the inmate disciplinary process.
- iii. The SART investigator shall conduct coordinated interviews with police investigators beginning with the alleged victim(s), any witnesses, and lastly the alleged abuser. Photographs should be taken of the alleged victim and alleged abuser. Document any visible injuries by photo and in writing.
- iv. Once interviews are complete, the alleged abuser should be referred to medical for assessment and treatment as deemed necessary. The alleged abuser will be held in administrative segregation until the investigation is completed and the alleged abuser is re-assessed by Mental Health.

5. Facility Crime Scene

- i. Crime scene logs are critical to every investigation. Anyone entering the crime scene must sign-in documenting their name, time of entry, reason for entry, and time of departure. Only investigators, medical staff, and command staff are allowed to enter the crime scene.
- ii. Video and photograph each crime scene prior to the removal of any items from the area. When video recording, disable the audio recording (when possible) or ensure that everyone in the area is made aware they are being recorded.
- iii. Identify one (1) person who will touch and/or handle evidence. Ensure that individual wears rubber gloves to protect the evidence and themselves.
- iv. Collect all evidence to include the crime scene log book, all log books, any security video, victim and abuser mail and phone records, and photographs

of victims, abusers, and crime scene(s).

C. Notifications required when sexual abuse is alleged

1. The following notifications shall be made within two hours of the occurrence:

- a. Warden through the Duty Officer via the chain of command
- b. PREA Compliance Manager
- c. SART Investigator
- d. Health Services Administrator

2. For allegations of sexually abusive behavior in which an employee is the alleged abuser, only the Warden and the PREA Compliance Manager will be notified of the specifics of the allegation. Notifications and referrals shall be made to the Professional Standards Unit and outside law enforcement as appropriate.

3. In all cases where the alleged abuser is an employee, contractor, volunteer, or visitor, there shall be no contact between the alleged abuser and the alleged victim pending the outcome of an investigation.

D. Evidence protocol

If the abuse occurred within the previous 96 hours, procedures will be followed in accordance to the Gwinnett County Police Department's evidence protocols for collecting possible forensic evidence.

E. Responsibilities when sexual harassment is alleged

Some allegations may rise only to the level of sexual harassment between offenders. For reports or allegations of this type, the responding staff shall:

1. Ensure that the alleged victim and abuser are separated.
2. A brief inquiry will be made to each individual once separated from one another to ascertain if the sexual behavior was consensual or non-consensual.
3. Notify the Warden, PREA Compliance Manager, SART Investigator, and other designated officials.
4. Incidents of this sort will be fully documented and investigated.
5. The alleged abuser may be segregated pending the outcome of the investigation.
6. The alleged victim will be referred to Mental Health for re-assessment to be determined if any issues need to be addressed.
7. If the investigation is determine substantiated, the abuser shall be referred for

administrative disciplinary action and re-assessed to determine if any issues need to be addressed. Staff shall remind the abuser of the department's zero tolerance policy on sexual harassment and inform him/her that continued violations may result in housing that is more restrictive, discharge from programs/activities, and possible criminal charges as applicable.

F. Responsibilities when sexual activity between offenders is alleged.

1. Separate the individuals involved.
2. A brief inquiry will be made to each individual separately to determine if the activity was consensual or non-consensual.
3. Notify the Warden, PREA Compliance Manager, and SART Investigator.
4. If the investigator and/or the PREA Compliance Manager determine the activity was consensual sexual activity, the individuals will be referred for administrative disciplinary action. If it is determined to be non-consensual, Gwinnett County Police SVU will be notified for investigation for potential criminal charges. In either event, these cases will be investigated and documented fully by the SART investigator.
5. All of the individuals involved will be re-assessed to determine if there are any needs to be addressed. Staff will remind the involved individuals of the department's zero tolerance policy on sexual activity and that continued violations may result in more restrictive housing, discharge from program, or possible criminal charges as applicable.

VIII. RECOVERY:

- A. Once investigators have gathered all evidence and report the crime scene is clear, the Incident Commander will:
1. Ensure that all areas within the crime scene have been properly cleaned and sanitized.
 2. Remove all waste from the area and dispose of appropriately.
 3. Direct staff to return the area to normal operations as quickly as possible.
 4. Conduct a debriefing of all involved staff. Ensure that all persons that played an active role in this response have access to EAP in case they need crisis intervention counseling.
 5. Ensure that all reports including an after action report is completed.

IX. LOGISTICS:

X. REVIEW:

The Warden is responsible for the preparation of emergency plans. All such plans will be reviewed annually and updated as needed.

**GWINNETT COUNTY DEPARTMENT OF CORRECTIONS
SEXUAL ABUSE RESPONSE CHECKLIST**

**SART-0001
Rev. 3/1/16**

Offender Name:	Offender ID #:
Location of Incident:	Date/Time Received:

Required Actions

Initials/Time

(Some actions may be performed out of sequence or simultaneously)

Ensure the physical safety of the alleged victim by moving him/her to a secure location. Advise him/her of the need to preserve evidence (no showering, toileting, oral hygiene, etc.)	
If applicable, arrange for emergency medical treatment of the alleged victim.	
Move the alleged perpetrator into Administrative Segregation in a "Dry Cell" and provide constant observation until investigators arrive.	
Secure the crime scene, (preserve and protect the scene and any evidence). Initiate and maintain a crime scene log.	
Notify the Shift Supervisor. Shift supervisor will arrange notification of the PREA Compliance Manager, SART Team and Warden through the chain of command. SART Team will contact Gwinnett County Police Department.	
If the assault occurred within the previous 120 hours, the alleged victim will be transported to Gwinnett Medical Center (GMC) for the forensic examination (rape kit). Gwinnett Police Department will contact the Rape Crisis Center to arrange for Sexual Assault Nurse Examiner (SANE) and Victim Advocate to meet at GMC.	
<u>Evidence should remain undisturbed unless it is in jeopardy of damage or loss.</u> If required, secure the physical evidence with chain of custody until released to the lead investigator.	
The Warden will then notify the Field Operations Manager and send an email (Glad You Asked – GYA) to the Senior Internal Investigator and the Statewide PREA Coordinator if a state offender is involved.	
Ensure that the incident report and all supporting documents are completed prior to leaving the institution for the day. Forward a copy of all forms to the Facility PREA Compliance Manager.	
SART will arrange for a Mental Health Evaluation of the alleged victim (within 24 hours).	
Ensure the incident report is entered into the SCRIBE database for state offenders.	
Ensure the alleged victim is placed in safe housing. It may be necessary to place in protective custody. If required use the Medical Segregation Cells.	
Ensure SART evaluation of alleged victim and/or alleged aggressor within 24 hours, with additional follow-up at 72 hours and document in SCRIBE for state offenders.	
Recover, download, and document any video monitoring recording. The disk will be identified and labeled using the corresponding incident report number, and stored securely.	
Complete the Administrative Investigation alongside the criminal investigation.	
Investigative Report reviewed and approved by Warden or PREA Compliance Manager	
Circle One: Allegation is: UNFOUNDED EXONERATED SUBSTANTIATED UNSUBSTANTIATED	
PREA Compliance Manager completes notification to all parties of final outcome.	
The Sexual Assault Review Team will conduct a sexual abuse incident review within 30 days and document the review.	



TYPE OF COMMUNICATION	DISSEMINATION	DESTINATION	NUMBER	PAGE	OF
Division Orders	CID	CID Manual	19.0.0	1	4
TOPIC: Sexual Assaults	EFFECTIVE DATE 06/16/89	SOURCE KJM	APPROVED BY MR	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS 11/30/11	

19.1.0 PURPOSE

The purpose of these procedures is to provide investigators with guidelines to initiate or complete a thorough investigation of rapes and/or sexual assaults.

19.2.0 NOTIFICATION

These cases are often received as call out investigations after normal working hours or on the weekend. The investigator should make note of the following when notified:

- A. Date and time call received
- B. Date and time incident occurred (these are often very different and that information is useful in determining if a rape exam will be needed or whether the call merits an immediate response)
- C. Location of the victim
- D. Location of crime scene (*these are often different and the information may indicate a need for change of venue and whether or not additional persons are needed to go to the scene)
- E. Synopsis of the incident. Because of the sensitive nature of these incidents, the investigator should try to limit the number of interviews the victim must endure. Do not have the uniform officer take a statement or try to make the victim write his/her own.

*If the assault occurred in another local jurisdiction, the victim should be referred to that jurisdiction. If not local (e.g. out-of-state), the investigator should contact the on-call Sergeant if questions arise in regards to this issue.

Before responding, the investigator should provide for the security of the crime scene if the location is known. The investigator should then respond to the victim's location. If the victim's location is different than the crime scene, he/she may need to call an additional investigator to go to the crime scene. If after hours, the investigator should first try the 2nd on-call investigator.

19.3.0 MEDICAL EXAMINATION OF THE VICTIM

If the crime reported involved emission of biological fluids and/or penetration of the genitals, mouth, or anus and is within a 72-hour time frame, the Gwinnett Sexual Assault Center (GSAC) should be notified as soon as practicable, and the victim should be transported to that location for exam.

If possible, the victim should take a change of clothes as the currently worn clothing may be kept for evidence. There are times when the victim may be transported by a friend or relative. In the event that occurs, arrangements should

be made for an officer or investigator to escort them to GSAC. If the investigator transports the victim, he/she will give beginning and ending mileage and time to Communications. Communications has the telephone number for GSAC. The GSAC employee should be briefed on the case before the exam. If GSAC is not able to conduct the exam, any previously approved medical facility that is able, can do so.

If the crime reported involved emission of biological fluids and/or penetration of the genitals, mouth or anus and is beyond the 72-hour time frame, GSAC should be requested to schedule an examination of the victim at a later date.

If the victim has serious injuries requiring medical treatment, he/she should be transported to the G.M.C./E.R. or other appropriate E.R./hospital. If a sexual assault examination is needed, advise the hospital/E.R. staff and contact GSAC. Medical personnel from GSAC will respond to the hospital to perform the sexual assault examination.

If bite marks are discovered, the investigator should make an appointment with a forensic odontologist to have photographs of the bite marks examined. A list of doctors and dentists will be maintained by the Medical Examiner's Office.

In addition to documenting the victim's injuries and having a sexual assault exam completed, the victim's clothing should be gathered. If the victim has been taken to GSAC, they will do this for you.

Before leaving GSAC, the investigator should make sure he/she has:

- A. The completed and sealed sexual assault kit - be sure to follow any instructions given by GSAC personnel concerning the sexual assault kit, e.g. may need drying
- B. The victim's clothing
- C. Any documenting film
- D. Copy of exam notes
- E. Names of involved parties for witness and chain of custody

These items should be taken to Headquarters and placed into evidence. If GSAC is not involved, the victim should be provided with GSAC's telephone number should he/she want to talk to a counselor in the future.

19.4.0 VICTIM STATEMENT

GSAC is an excellent location to obtain a statement. If you choose to take the statement at GSAC, you should audio/video (depending on equipment available) record the statement. Witnesses that came with the victim can also be interviewed at GSAC. You may choose to take the statement at Headquarters; if so, the statement should be video taped. GSAC will often have a counselor with the victim. Every effort should be made to accommodate the victim and counselor. If the victim is able, a thorough statement needs to be taken. The investigator should consider that he/she might be dealing with a serial rapist. A seemingly minor detail may be the one that links one assault to another. Do not discourage the victim no matter how bizarre the events may sound. This is a time of information gathering; do not question the veracity of the statement at this juncture.

In addition, a thorough description of the perpetrator should be obtained and broadcast. Thought should be given to a composite at this time. The case may warrant calling a sketch artist. If one is needed, an appointment will have to be made.

19.5.0 CRIME SCENE

The crime scene should be secured as soon as possible. If the scene is in the suspect's home or vehicle, a search warrant or consent will be needed for processing. Crime Scene Investigations should process the scene. Whoever processes the scene should be provided as much information as possible about the incident before processing. The person processing the scene should consider the following:

- A. The perimeter - footprints, tire tracks, items dropped, etc.
- B. Points of entry/exit
- C. Items the perpetrator may have used or had contact with

- D. Stains or body fluids, i.e., semen, blood, saliva
- E. Weapons or restraints
- F. Victim or suspect clothing
- G. Linens, towels, washcloths, tissues, condoms, etc.
- H. Photos should be taken of the crime scene and evidence

19.6.0 SUSPECT IN CUSTODY

If there is a suspect in custody, his physical condition should be documented/photographed, paying particular attention to any injuries and clothing. Any spontaneous statements should be noted. Clothing should be collected as soon as practical. If you have to go back to collect clothing at the jail or another location, a search warrant will be needed. It is essential to have a good understanding of the victim's statement before trying to interview the suspect. At a later time, depending on the results of the sexual assault exam, a search warrant for the suspect's blood and hair should be done. A forensic medical examination of the suspect pursuant to a search warrant may be considered if the suspect is located a short time after the assault.

19.7.0 SUSPECT NOT IN CUSTODY - UNKNOWN

A thorough description of the suspect should be obtained, paying particular attention to:

- A. General physical description - height, weight, race, hair color, eye color, scars, and tattoos.
- B. Clothing description
 - 1. headwear - hats, caps, mask, etc.
 - 2. shoes
 - 3. shirt - logos, numbers, or words
 - 4. pants
- C. Vehicle Description
 - 1. color
 - 2. style - truck, SUV, car, van, two-door, or four-door
 - 3. interior
 - 4. distinguishing mark - dents, logos, decals, and tag
- D. Distinguishing marks or manner of speech
- E. Weapons
- F. Things said by suspect

A lookout should be issued using the above information as soon as possible.

19.8.0 COMPOSITE

Depending on the nature of the case and the victim's ability, a composite should be completed. Crime Scene Investigations can provide one, or in certain cases, the GBI can provide a sketch artist. In either case, an appointment needs to be made in advance.

19.9.0 SUSPECT NOT IN CUSTODY - KNOWN

Often the perpetrator will be known to the victim as in husband, boyfriend, date, or relative. If probable cause exists, a warrant should be obtained and an effort should be made to effect an arrest.

19.10.0 OTHER CONSIDERATIONS

- A. Canvas of area
- B. Construct BOLO for distribution by Crime Analysis
- C. Teletype to other agencies for similar cases
- D. Crime Analysis check for suspicious persons, peeping toms, etc., in the area

SEXUAL ASSAULT PROTOCOL
IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

15-AA-0037

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
15 MAY 11 PM 4:52
RICHARD ALEXANDER, CLERK

ORDER

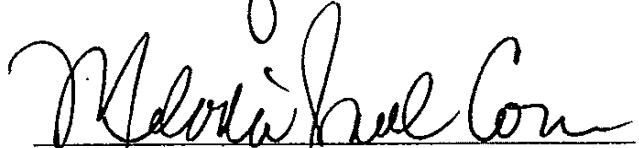
WHEREAS, the Legislature for the State of Georgia enacted O.C.G.A. Section 15-24-2 requiring the establishment of a Sexual Assault Protocol, and

WHEREAS, the undersigned established a Sexual Assault Protocol Committee as provided in Section 15-24-2, and

WHEREAS, the Committee has met on April 30, 2015 and discussed the Protocol, which was approved by a majority vote and which is attached hereto, as the protocol for cases of sexual assault in Gwinnett County,

NOW THEREFORE IT IS HEREBY ORDERED, this document is accepted by the Court as the protocol to be used in investigating and prosecuting cases arising from an alleged sexual assault and shall be spread upon the minutes and filed with the Clerk of Superior Court for Gwinnett County.

SO ORDERED, this 11th day of May, 2015.


Melodie Snell Conner, Chief Judge
Gwinnett Superior Court

GWINNETT SEXUAL ASSAULT PROTOCOL

This Sexual Assault Protocol is adopted pursuant to O.C.G.A. 15-24-2 for the purpose of outlining the procedures to be used in investigating cases of alleged sexual assault including collecting evidence, paying for expenses related to evidence collection, and prosecuting such cases. This Protocol shall not apply to child victims covered under the Child Abuse Protocol.

Forensic Medical Examination Procedures

- a. Forensic medical examinations shall be performed at the Gwinnett Sexual Assault Center (GSAC) except in cases where a victim requiring forensic medical examination and evidence collection has injuries requiring emergency department treatment.
- b. Examinations shall be performed by a Sexual Assault Nurse Examiner or a physician trained in performing such examinations.
- c. Forensic medical examinations and evidence collection will be completed as quickly as possible after a report is received.
- d. Forensic examinations and evidence collection shall be conducted in accordance with Georgia Bureau of Investigation (GBI) procedures using the GBI Sexual Assault Evidence Collection Kit.

Requests For Forensic Medical Examination

- a. Forensic medical examinations are performed at the request of a law enforcement agency, the District Attorney's Office, the Medical Examiner's Office, Hospital, pursuant to a court order, or at a victim's request pursuant to O.C.G.A. § 17-5-72.
- b. Examinations may be requested on a 24-hour basis via the GSAC crisis line at (770) 476-7407.

Costs Of Forensic Medical Examinations

- a. The cost of examinations shall be paid as provided by O.C.G.A. §16-6-1(c), O.C.G.A. §17-5-72.

Conduct Of Forensic Medical Examinations

- a. A sexual assault nurse examiner (SANE) will perform the examination and assessment.
- b. A victim advocate will be available to accompany the victim and offer emotional support during the examination. The advocate will at no time ask the victim questions related to details of the assault.
- c. The SANE will complete appropriate authorizations relating to the examination.

- d. The SANE will photograph and document injuries and prepare a report.
- e. The SANE will maintain and document the chain of custody of any evidence collected during the examination and assessment.

Hospitals Receiving Walk-In Reports of Sexual Assaults

- a. Hospitals receiving victims reporting incidents of sexual assault shall immediately contact law enforcement in accordance with O.C.G.A. § 31-7-9, mandating all non-accidental injuries be reported.
 - 1. Victims will retain the right not to initiate, participate in, and/or cooperate with any law enforcement investigation of such assault.
- b. Hospital personnel shall then notify GSAC of the incident including which law enforcement agency is responding.
- c. GSAC will coordinate the performance of any forensic medical examination that may be needed.
- d. Hospital personnel should avoid genitalia examination and assessment unless acute injury warrants immediate medical intervention.
- e. The GSAC team will either respond to the hospital for completion of the examination or perform the examination at the GSAC facility if practicable.

Biological Evidence Collection

- a. GSAC personnel will collect biological samples from victims at the request of law enforcement agencies, the District Attorney's Office, or at request of a victim, in accordance with currently accepted protocol, to obtain timely biological reference samples for possible analysis at the GBI Crime Lab.
- b. GSAC personnel will collect biological samples from a suspect at the request of a law enforcement agency or the District Attorney's Office. A staff member and a SANE will go with the investigator to the location of the suspect. Collection of biological samples from suspects is not done at the GSAC facility, but at a location designated by a law enforcement agency or correctional facility.
- c. The GSAC staff and the SANE will obtain a copy of any search warrant or consent form authorizing the collection of biological samples from a suspect and retain it for the file.
- d. All biological samples, fluids, hairs, and other evidence requiring GBI analysis will be given directly to the case investigator for processing.
- e. All biological evidence collected at the request of a victim who chooses not to initiate, participate in, and/or cooperate with any law enforcement investigation shall be maintained by GSAC in a secured location for no less twelve (12) months or until such time as an investigation and/or prosecution is commenced.

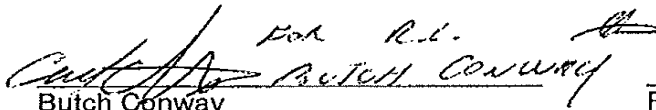
Judicial Proceedings

- a. The District Attorney's Office will inform victims of any scheduled court proceedings.
- b. If a victim attends any court proceeding, a victim advocate from the District Attorney's Victim-Witness Program will accompany the victim.
- c. The District Attorney's Office will send any necessary subpoenas for GSAC staff to the GSAC facility. The prosecutor assigned to the case will coordinate court attendance with the staff member and the staff member will appear for court as directed by the prosecutor trying the case.

The foregoing Sexual Assault Protocol is hereby adopted and replaces any previously adopted protocol and remains in effect until such time as said protocol is amended and adopted.

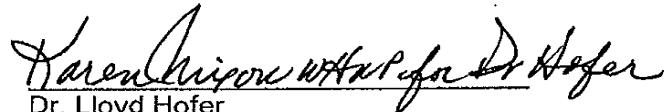
The foregoing Sexual Assault Protocol is hereby adopted and replaces any previously adopted protocol.

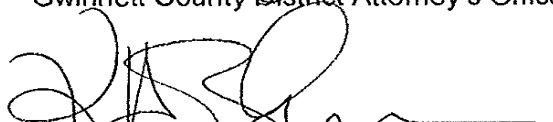
This 30th day of April, 2015.

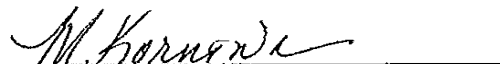

Butch Conway
Gwinnett County Sheriff's Office

Randy Belcher
Duluth Police Department



Daniel J. Porter
Gwinnett County District Attorney's Office


Dr. Lloyd Hofer
East Metro Health District



Kristina Hammer Blum, Chief Magistrate
Gwinnett County Magistrate Court

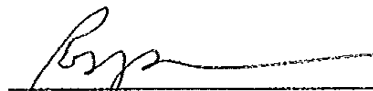

Maureen Kornowa, Citizen Member
Gwinnett Children's Shelter


Butch Ayers
Gwinnett County Police Department


Ann Burdges, Executive Director
Gwinnett Sexual Assault Center


Randy Johnson
Lawrenceville Police Department


Kathy Carter, RN, BSN
Sexual Assault Nurse Examiner


Roy Whitehead
Snellville Police Department

Warren Summers
Norcross Police Department

B. Hedley

Bruce Hedley
Lilburn Police Department

Terry Esco
Braselton Police Department

Carl Moulder

Carl Moulder
Auburn Police Department

Mike McHugh
Loganville Police Department

Mike Jones

Mike Jones
Suwanee Police Department

Terry Schneider
Georgia Gwinnett College Police
Department

Darrell Johnson

Darrell Johnson
Gwinnet County Corrections

Wayne Rikard

Wayne Rikard
Gwinnet County School Police

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS

Offender PREA Retaliation Review Check Sheet

Offender Name: _____

Offender Number: _____

Date of Incident: _____

Check Completed	Reviewers Name	30 Day	60 Day	90 Day
Disciplinary Report Review				
Housing Unit Move Review				
Facility Transfer Review				
Program History Review				
Work Performance Review				
Case Notes Review				
Inmate Complaints				
Inmate Grievances				

30 Day Review Signature/Title: _____ Date: _____

60 Day Review Signature/Title: _____ Date: _____

90 Day Review Signature/Title: _____ Date: _____

Random Reviews Needed: YES / NO

Signature/Title: _____ Date: _____

GWINNETT COUNTY DEPARTMENT OF CORRECTIONS

Employee PREA Retaliation Review Check Sheet

Employee Name: _____

Employee Number: _____

Date of Incident: _____

Check Completed	Reviewers Name	30 Day	60 Day	90 Day
Disciplinary Action Review				
Post Assignment Review				
Work Schedule Review				
Overtime Review				
Work Performance Review				
Case Notes Review				
Employee Complaints				
Employee Grievances				

30 Day Review Signature/Title: _____ Date: _____

60 Day Review Signature/Title: _____ Date: _____

90 Day Review Signature/Title: _____ Date: _____

Random Reviews Needed: YES / NO

Signature/Title: _____ Date: _____

gwinnettcounty

Department of Corrections

750 Hi-Hope Road • Lawrenceville, GA 30043
(tel) 678.407.6000 • (fax) 678.407.6003
www.gwinnettcounty.com



TO: VICTIM
FROM: Lieutenant Keith Phinney
PREA Compliance Manager

DATE:

RE: Sexual Abuse Allegation

Your sexual abuse allegation of (DATE) was investigated by the Sexual Assault Response Team (SART) and was:

(Select Only One):

Substantiated: SART Investigation determined that the abuse did occur. Appropriate sanctions will be taken against the perpetrator. If substantiated, one of the items below must be checked.

- The staff member is no longer posted within the inmate's unit.
- The staff member is no longer employed at the facility.
- The staff member has been indicted on a charge related to sexual abuse with the facility.
- The staff member has been convicted on a charge related to sexual abuse within the facility.
- The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility.
- The alleged abuser (offender) has been convicted on a charge related to sexual abuse within the facility.
- Other: MUST INCLUDE EXPLANATION IF OTHER IS CHECKED

Unsubstantiated: SART Investigation could neither prove nor disprove the allegation.

Unfounded: SART Investigation based on factual evidence proved that the alleged incident did not occur

Exonerated: SART Investigation determined the event did occur, but was lawful and proper or within the scope of official duties.

Referred : SART inquiry determined that additional review is warranted. Case has been forwarded to Gwinnett County District Attorney.

Inmate Signature

Date

SART Member / Warden's Designee Signature

Date