

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 1 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

**I. Introduction and Summary:**

A. The Georgia Department of Corrections (GDC) has a zero-tolerance policy toward all forms of sexual abuse, Sexual Harassment and sexual activity among offenders. The purpose of this policy is to strengthen the Department's efforts to prevent occurrences of this nature by implementing key provisions from the U.S. Department of Justice's standards on the prevention, detection, and response to sexual abuse in confinement facilities, in accordance with the Prison Rape Elimination Act of 2003 (PREA). This policy and provides guidelines to address the following prohibited sexually abusive and/or harassing behavior(s):

1. Offender Perpetrator Against Offender Victim; and
2. Staff perpetrator against offender victim.

B. These guidelines are provided to assist staff in:

1. **Detecting** incidents and identifying perpetrators and victims of sexual abuse and/or harassment;
2. **Preventing** sexually abusive and/or harassing behavior;
3. **Protecting** vulnerable offenders from abuse and harassment from sexually aggressive offenders;
4. Educating staff on how to **intervene** properly and in a timely manner;
5. **Documenting, reporting, and investigating** reported incidents; and
6. **Disciplining** and/or **prosecuting** perpetrators.

**II. Authority:**

A. O.C.G.A.: § 16-6-5.1;

B. Prison Rape Elimination Act National Standards: **28 CFR Part 115, et seq.;**

C. GDC Standard Operating Procedures (SOPs): 203.03 Incident Report, 209.01

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 2 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Offender Discipline, 227.02 Statewide Grievance Procedure, 209.06 Administrative Segregation, 103.10 Evidence Handling and Crime Scene Preservation, 103.06 Investigation of allegations of sexual contact, Sexual Abuse, and Sexual Harassment of Offenders, 508.22 Mental Health Management of Suspected Sexual Abuse, Contact or Harassment, 508.18) MH/MR Discipline Procedures 508.19 Receiving Screening, 507.04.19 Health Assessment and Medical Diagnostics, 507.04.21 Health Screening Offender Transfers, 507.04.69 Women’s Health Services, 507.02.02 Confidentiality of Health Record and Release of Information, 507.04.84 Medical Management of Suspected Sexual Abuse, 507.04.85 Informed Consent, 507.04.91 Medical Management of Suspected Sexual Assault, Abuse, Harassment, 101.04 Records Management, and 104.09 Filling A Vacancy; and

- D. ACA Standards: 2-CO-3C-01, 2-CO-4B-06, 4-4177, 4-4281-1, 4-4281-2, 4-4281-3, 4-4281-4, 4-4281-5, 4-4281-6, 4-4281-7, 4-4281-8, 4-4282, 4-4291-3, 4-4307, 4-4311, 4-4312-1, 4-4403, and 4-4406.

**III. Definitions:**

- A. **Community Confinement Facility** - A state operated facility, other than a State Prison, in which individuals reside as part of a term of imprisonment while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. ( e.g. Transitional Centers.)
- B. **Direct Staff Supervision** - Security staff in the same room with, and within reasonable hearing distance of, the residents or offenders and disallows youthful offenders and adult offender communication of any kind.
- C. **Exigent Circumstance** - 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.
- D. **Gender Nonconforming** - A person whose appearance or manner does not conform to traditional societal gender expectations.
- E. **Intersex** - A person who’s sexual or reproductive anatomy or chromosomal

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 3 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

- F. **Juvenile** - Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- G. **PREA Compliance Manager (PCM)** - An upper-level manager, designated by the Warden, and is responsible for compliance in all facility PREA-related operations.
- H. **Retaliation Monitor** - A staff member, designated by the Warden, who is responsible for the prevention, detection, and reporting of any retaliatory actions taken against staff or offenders that report PREA allegations.
- I. **Sexual Abuse Incident Review Team (SAIRT)** – A team that consists of upper-level management representatives. SART members may be part of the SAIRT, however the SAIRT shall not be solely comprised of SART members. Line supervisors and other staff members may be designated as SAIRT members at the discretion of the Warden/Superintendent of the facility.
- J. **Sexual Abuse/Harassment Response Team (SART)** – A team that consists of a locally composed multi-disciplinary team, with both security and non-security staff, who work together to fulfill the guidelines defined in section I of this policy. This team includes but is not limited to:
  - 1. SART Investigator;
  - 2. SART Medical;
  - 3. SART Mental Health;
  - 4. Facility/ Internal Victim Advocate; and
  - 5. Retaliation Monitor.
- K. **Sexual Abuse by Offender** - Sexual abuse of an offender, detainee, or resident by another offender, detainee, or resident includes any of the following acts if the

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 4 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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

**L. Sexual Abuse by A Staff Member, Contractor, Or Volunteer** - Sexual abuse of an offender, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the offender, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 5 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

has the intent to abuse, arouse, or gratify sexual desire;

6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident;
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties.

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

**N. Special Agent in Charge (SAC)** - An investigator who works for the Office of Professional Standards (OPS) who is responsible for any criminal investigation into a PREA allegation, should such investigation be deemed appropriate.

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

**P. 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.

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

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 6 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

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

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

The Department hereby adopts, implements, and follows the standards outlined in the Prison Rape Elimination Act (PREA) Standards found at 28 CFR Part 115. Through the adoption of the PREA Standards, the Department seeks to eliminate sexual abuse and Sexual Harassment of offenders in custody. The Department tolerates no form of sexual abuse or Sexual Harassment of any offender.

Offenders who sexually abuse another offender will be disciplined and referred for criminal prosecution. Offenders who engage in Sexual Harassment, consensual sexual contact with another offender, attempt to engage in or solicit such contact, or help another engage in sexual contact with an offender will be disciplined.

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

**A. Prevention Planning:**

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

The Warden/Superintendent at each institution must ensure that all aspects of this policy are implemented. Each facility shall have an assigned PREA Compliance Manager, who has sufficient time and authority to coordinate the

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 7 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

facility's efforts to comply with PREA standards.

The Warden/Superintendent shall maintain a current written PREA Local Procedure Directive and Coordinated Response Plan (see Attachment 7 for template) to provide instruction for responses to sexual allegations. This Local Procedure Directive shall reflect that institution's unique characteristics and specify how that institution will respond to sexual allegations and the notification procedures to be followed for reports of sexual allegations. At a minimum it will include:

- a. Specification of staff member(s) responsibilities from the first report of an allegation through the conclusion of an investigation.
  - b. Responding to the victim and ensuring evidence retention.
  - c. Monitoring the offender perpetrator to ensure safety of others and evidence retention.
  - d. Ensuring safe housing, medical and mental health care, forensic exam, victim services for the victim, and commencing an investigation.
2. The Department shall ensure that contracts for the confinement of its offenders with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards and that any new contract or contract renewal shall provide for Department contract monitoring to ensure that the contractor is complying with the PREA standards.
  3. The Warden/Superintendent at each facility shall develop a written Staffing Plan in accordance with this SOP using Attachment 11, Staffing Plan Template. To enhance the supervision and monitoring of offenders, each facility shall document and make its best efforts to comply on a regular basis with the established staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations on the daily Post Roster. Facility management staff will review these deviations on a regular basis, no

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 8 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

less than annually, to identify the most common reasons for deviations. This information shall be used to make adjustments, as necessary, to the facility staffing plan. Completed plans will be forwarded to the PREA Coordinator for review and approval.

4. No less than annually, each facility shall assess, determine, and document whether adjustments are needed to the established staffing plan. Revised plans shall be forwarded to the PREA Coordinator for review and approval.
5. All new or existing facility designs, modifications, and technology upgrades will include consideration of how they could enhance the Department's ability to protect offenders against sexual abuse.
6. Unannounced rounds by supervisory staff, with the intent of identifying and deterring sexual abuse and Sexual Harassment, are required to be conducted every week, including all shifts and all areas. These rounds will be documented in the area log books. In addition, the institutional Duty Officer is required to conduct and document unannounced rounds at least once per week in *all* areas. These rounds will be documented in the local Duty Officer Log book.
7. Youthful Offenders:
  - a. A Youthful Offender shall not be placed in a housing unit in which the Youthful Offender will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters.
  - b. In areas outside of housing units, staff must either:
    - i. Maintain sight and sound separation between Youthful Offenders and adult offenders, or
    - ii. Provide direct staff member supervision when Youthful Offenders and adult offenders have sight, sound, or physical contact.
  - c. Efforts shall be made by the assigned institution to avoid placing

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 9 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Youthful Offenders in isolation to comply with this provision. Absent Exigent Circumstances, Youthful Offenders shall not be denied daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful Offenders shall also have access to other programs and work opportunities to the extent possible.

8. Limits to Cross-Gender Viewing and Searches:

- a. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in Exigent Circumstances or when performed by medical practitioners.
- b. The facility shall not conduct cross-gender pat searches of female offenders, absent Exigent Circumstances. This requirement shall not restrict female offender's access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- c. The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female offenders via an incident report.
- d. The facility shall implement procedures that enable offenders to shower, perform bodily functions, and change clothing without nonmedical staff members of the opposite gender viewing their breasts, buttocks, or genitalia, except in Exigent Circumstances or when such viewing is incidental to routine cell checks. Offenders should only shower, perform bodily functions, and change clothing in designated areas (e.g. cells, shower rooms, and bathrooms).
- e. Staff members of the opposite gender shall announce their presence when entering an offender housing unit; this includes the officer assigned to the housing unit. It is understood that staff members might not make announcements when responding to circumstances that require immediate action in order to combat a threat to security.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 10 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Offenders will be notified of the presence of opposite-gender staff members in several ways:

- i. Offenders are advised of the requirement to remain clothed, and the presence of cross-gender staff members generally, during the intake screening process and the admission and orientation process;
- ii. The following notice will be posted **“NOTICE TO OFFENDERS: Male and female staff members routinely work in and visit housing areas.”**
- iii. For staff members with offices in the housing units, the most recent schedule is posted in the unit so offenders are aware of when opposite-gender staff may be present;
- iv. An announcement shall be made each time an opposite-gender staff member comes into a housing unit area and;
- v. Nothing in this section should preclude opposite-gender staff members from viewing live or recorded video, or participating in an offender suicide watch.
- f. The facility shall not search or physically examine a Transgender or Intersex offender for the sole purpose of determining the offender’s genital status. If the offender’s genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The provision does not limit searches of offenders to ensure the safe and orderly running of the institution.
- g. The Department shall train security staff members on how to conduct cross-gender pat searches and searches of Transgender and Intersex offenders in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs and consistent with the population gender of their assigned institution.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 11 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

9. Offenders with Disabilities, Who Are Limited English Proficient (LEP), or Have Limited Reading Skills:

- a. The local PREA Compliance Manager shall ensure the appropriate resources are available to offenders with disabilities and those who are LEP so they may understand the facility policies around reporting, preventing, detecting, and responding to sexual abuse and Sexual Harassment.
- b. The facility shall not rely on offender interpreters, offender readers, or other types of offender assistants except in Exigent Circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first response duties under 28 CFR § 115.64, or the investigation of the offender's allegations.

10. Hiring and Promotion Decisions:

- a. Employees:
  - i. The Department shall not hire or promote anyone who may have contact with offenders, who:
    - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, Juvenile facility, or other institution (as defined in 42 U.S.C. 1997); 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
    - 2) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph a.i.1., of this section.
  - ii. The Department shall consider any incidents of Sexual Harassment in determining whether to hire or promote anyone who may have contact with offenders.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 12 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- iii. Before hiring new employees who may have contact with offenders, the Department shall:
    - 1) Ask all applicants and employees who may have contact with offenders directly about previous misconduct described in SOP 104.09, Filling a Vacancy, in written applications or interviews for hiring and promotions and any written interview or written self-evaluations conducted as part of reviews of current employees. Every employee has a continuing affirmative duty to disclose any such misconduct.
    - 2) Perform a Criminal History Record checks on all employees and volunteers prior to start date and again within at least every five years. A tracking system shall be implemented at each local facility to ensure the criminal history checks are conducted within the appropriate time frames, according to policy, for each person with access to that facility.
  - iv. Unless prohibited by law, the Department shall provide information on Substantiated Allegations of sexual abuse or Sexual Harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.
  - v. Material omissions regarding misconduct or the provision of materially false information shall be grounds for termination.
- b. Contractors:
- i. The Department shall not enlist the services of any contractor, who may have contact with offenders, who:
    - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, Juvenile facility, or other institution (as defined in 42 U.S.C. 1997); Has been convicted of engaging or

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 13 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

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

- 2) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph b.i.1., of this section.
- ii. The Department shall consider any incidents of Sexual Harassment in determining whether to enlist the services of any contractor, who may have contact with offenders.
- iii. Before hiring new employees who may have contact with offenders, the Department shall:
  - 1) Perform a Criminal History Record check before enlisting the services of any contractor who may have contact with offenders and at least every five years thereafter.
- iv. Unless prohibited by law, the Department shall provide information on Substantiated Allegations of sexual abuse or Sexual Harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.
- v. Material omissions regarding misconduct or the provision of materially false information shall be grounds for termination.

**B. Responsive Planning:**

1. Evidence protocol and forensic medical examinations.
  - a. Each facility shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Reference SOP 103.10, Evidence

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 14 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Handling and Crime Scene Processing and SOP 103.06, Investigations of Allegations of Sexual Contact, Sexual Abuse, Sexual Harassment of Offenders.

- b. The Department’s response to sexual assault follows the guidelines in the U.S. Department of Justice’s Office on Violence Against Women publication, “*A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,*” dated April 2013, or the most current version.
- c. When there is a report of an incident of sexual abuse that was alleged to have occurred within the previous 72 hours, or there is a strong suspicion that an assault may have been sexual in nature, a physical examination of the alleged victim shall be conducted to determine if immediate medical attention is necessary and if the SANE protocol should be initiated, (Attachment 5, Procedure for SANE Evaluation/Forensic Collection). The SANE examination shall be provided at no cost to the offender. Physical evidence from the suspected perpetrator(s) will be collected and may also include an examination. Offender consent must be obtained prior to initiating the SANE protocol, in accordance with 507.04.85 Informed Consent.
- d. The Department stands *in loco parentis* for Youthful Offenders in its custody and can authorize a physical examination of such Youthful Offender without consulting his or her parent(s) so long as the Youthful Offender consents to the examination. For those offenders that are unable to consent or are incapacitated, the Department may authorize the collection of forensic evidence based on the Department’s standing in loco parentis or as a guardian of the offender, whichever may be applicable. Physical evidence collection may also include an examination of and collection of physical evidence from the suspected perpetrator(s). Offender consent must be obtained prior to initiating the SANE protocol, in accordance with 507.04.85 Informed Consent.

**NOTE:** All PREA information is confidential in nature and shall only be released on a need-to-know basis. Staff members who fail to comply with the reporting provisions of this policy may be banned from correctional

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 15 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

facilities, or will be subject to disciplinary action, up to and including termination, whichever is applicable.

- e. The Institution PREA Compliance Manager, under the direction of the Warden/Superintendent, shall attempt to enter into agreement, or Memorandum of Understanding (MOU), with a rape crisis center to make available a victim advocate to offenders alleging sexual abuse/Sexual Harassment upon request. If the facility cannot do so, efforts must be documented and local staff shall be identified and specially trained to provide this service. Documentation of training must be maintained by the employee's manager and made available to the local PREA Compliance Manager upon request.

**Note: Any agreement must be approved through the Legal Office prior to implementation.**

- f. Victim advocates from the community used by the facility shall be pre-approved through the appropriate screening process and subject to the same requirements as contractors and volunteers who have contact with offenders. The victim advocate serves as emotional and general support, navigating the offender through the treatment, evidence collection, and investigation process. The victim advocate has access to the offender similar to that of medical staff at the facility. Victim Advocates are not authorized to make decisions regarding offender care, or interfere with escort, security, or investigation procedures that are deemed necessary by the facility/investigator.
- g. If an external agency is responsible for investigating the allegations of sexual abuse the Department shall request that the investigating agency follow the requirements of (a) through (e) of this section.
- h. An administrative and/or criminal investigation shall be completed for all allegations of sexual abuse and Sexual Harassment. Allegations that involve potentially criminal behavior will be referred for investigation to OPS. This referral does not alleviate the facility from its responsibility of reaching a disposition on the administrative SART investigation.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 16 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- i. In the event the investigation is referred to an outside entity that entity shall have in place a policy governing the conduct of such investigations.

**C. Training and Education:** Participation in training must be documented through employee signature or electronic verification. Participation documentation will note that employees understood the training they have received by signing Attachment 1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement. This form shall be retained in the employee’s local personnel file. At the conclusion of the training, employees are asked to seek additional supervisory direction, if necessary, to ensure understanding of the training.

1. Employee Training:

- a. All Departmental employees shall be required to attend training annually on:
  - i. The Department’s zero-tolerance policy for Sexual Abuse and Sexual Harassment;
  - ii. How to fulfill their responsibilities under the Department’s Sexual Abuse and Sexual Harassment prevention, detection, reporting, and response policies and procedures;
  - iii. Offenders’ right to be free from Sexual Abuse and Sexual Harassment;
  - iv. The right of offenders and employees to be free from retaliation for reporting Sexual Abuse and Sexual Harassment;
  - v. The dynamics of Sexual Abuse and Sexual Harassment in confinement;
  - vi. The common reactions of Sexual Abuse and Sexual Harassment victims;

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 17 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- vii. How to detect and respond to signs of threatened and actual Sexual Abuse;
  - viii. How to avoid inappropriate relationships with offenders;
  - ix. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, Transgender, Intersex, or Gender Nonconforming offenders; and
  - x. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- b. In-service training shall include gender specific reference and training to staff as it relates to the specific population supervised. Staff members transferring into a facility of different gender from prior institution shall receive gender-appropriate training.
  - c. New employees shall receive PREA training during Pre-Service Orientation.
  - d. Specialized training shall be required for members of the Sexual Abuse Response Team (SART) and any other staff members who are likely to be involved in the management and treatment of sexually abused victims and the perpetrators.
2. Volunteer and Contractor Training:
- a. The Department shall ensure that all volunteers and contractors who have contact with offenders are provided with a copy of this policy and have been trained on their responsibilities under the Department's PREA policies and procedures.
  - b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified of the Department's zero-tolerance policy

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 18 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

regarding sexual abuse and Sexual Harassment and informed on how to report such incidents.

- c. Participation must be documented through volunteer and contractor signature or electronic verification, and will indicate that the volunteer and contractor understood the training they have received by signing Attachment 1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement. At the conclusion of the training, volunteers and contractors are asked to seek additional direction from Department staff members, if necessary, to ensure understanding of the training.
3. Offender Education: Notification of the GDC's zero-tolerance policy for sexual abuse and harassment and information on how to report an allegation at the receiving facility shall be provided to every offender upon arrival to the facility. In addition to verbal notification, offenders will be provided a GDC PREA pamphlet. Within 15 days of arrival, formal PREA education will be conducted by assigned staff members to all offenders which will include a gender appropriate video on sexual abuse. Both the initial notification and the formal education will be documented in writing by signature of offender and placed in the offender's institutional file.

In the case of Exigent Circumstances, such training may be delayed, but no more than 30 days. If the Exigent Circumstance extends beyond 30 days, justification and documentation must be placed in the offender's institutional file. Once the Exigent Circumstance no longer applies, such training must be provided immediately. This education is documented in the same manner as for offenders who participated during the regularly scheduled orientation.

- a. The PREA education will be provided by designated staff members and the presentation must include:
  - i. The Department's zero tolerance of sexual abuse and Sexual Harassment;
  - ii. Definitions of sexually abusive behavior and Sexual Harassment;

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 19 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- iii. Prevention strategies the offender can take to minimize his/her risk of sexual victimization while in Department custody;
  - iv. Methods of reporting an incident of sexual abuse/Sexual Harassment against oneself, and for reporting allegations of sexual abuse involving other offenders;
  - v. Treatment options and programs available to offender victims of sexual abuse and Sexual Harassment;
  - vi. How an investigation begins and the general steps to an investigation;
  - vii. Monitoring, discipline, and prosecution of sexual perpetrators;
  - viii. The prohibition against retaliation for reporting, and;
  - ix. Notice that male and female staff routinely work and visit housing areas;
- b. The facility shall maintain documentation of offender participation in these education sessions in the offender's institutional file.
  - c. A poster reflecting the Department's zero tolerance for sexual abuse and Sexual Harassment, contact information and methods of offender reporting shall be posted in each housing unit and common area throughout the facility.

**4. Specialized Training (Investigations):**

- a. All staff investigating sexual abuse/Sexual Harassment allegations must be specially trained in conducting sexual abuse/Sexual Harassment investigations in confinement settings.
- b. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 20 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

required to substantiate a case for administrative action or prosecution referral.

c. The Department shall maintain documentation that agents and investigators, whether internal or external, have completed the required specialized training in conducting sexual abuse investigations.

5. **Specialized Training (Medical and Mental Health Care):** GDC medical and mental health staff members and Georgia Correctional HealthCare (GCHC) staff members who have contact with offenders will be trained using the National Institute of Corrections (NIC) Specialized Training PREA Medical and MH Standards curriculum. Certificate of completion will be printed and maintained in the employee training file. In addition to the specialized training, these same employees are required to attend GDC's annual PREA in-service training.

**D. Screening for Risk of Sexual Victimization and Sexual Abusiveness:**

1. All offenders shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders.
2. Counseling staff members will conduct a screening for risk of victimization and abusiveness, in SCRIBE, through use of Attachment 2, PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument. This screening will be conducted within 24 hours of arrival at the facility. Information from this assessment will be used to determine classification decisions with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. NOTE: The risk assessment should not hinder classification opportunities.
3. Offenders should be 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 relating to his or her level of risk, he or she may not be disciplined.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 21 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

4. Offenders whose risk screening indicates a risk for victimization or abusiveness shall be reassessed whenever warranted due to an incident, disclosure or allegation of sexual abuse or harassment and also for all offenders, within 30 days of arrival at the institution. A case note shall be entered in SCRIBE to indicate this review has been conducted. This case note is for the sole purpose of documenting the screening occurred and shall not include any confidential or clinical information.

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

5. The Warden/Superintendent shall designate a safe dorm(s) or safe beds for those offenders identified as highly vulnerable to sexual abuse. Location(s) shall be identified in Attachment 7, PREA Local Procedure Directive and Coordinated Response Plan and in the Staffing Plan.
6. In deciding whether to assign a Transgender or Intersex offender to a male or female facility and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.
7. Placement and programming assignments for each Transgender or Intersex offender shall be reassessed no less than every six months to review any threats to sexual safety of the offender.
8. Offenders whose screenings indicate they have experienced prior sexual victimization or have a history of sexually assaultive behavior must be offered a follow-up meeting with medical and mental health counseling within 14 days of the screening.
9. Offenders at high risk for sexual victimization or aggression shall not be placed in involuntary segregation based solely on that determination unless a determination has been made that there is no available alternative means of separation from likely abusers. This placement, including the concern for the

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 22 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

offender’s safety must be noted in SCRIBE case notes with documentation of why no alternative means of separation can be arranged.

- a. Offenders placed in segregation will receive services in accordance with SOP 209.06, Administrative Segregation.
- b. The facility shall assign such offenders to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- c. If offenders placed in segregated housing for this purpose have restricted access to programs, privileges, education, or work opportunities, then the facility shall document: 1) the opportunities that have been limited; 2) the duration of the limitation; and 3) the reasons for such limitations.
- d. Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.

**E. Reporting:**

1. Offender Reporting:

- a. Offenders may make a report of sexual abuse, Sexual Harassment, or retaliation by any of the following methods: in writing, or verbally, through internal or external methods available. Offenders shall be encouraged to report allegations immediately and directly to a staff member. All reports will be promptly documented and investigated. Offenders may choose to report these allegations anonymously.
- b. The Department may choose to maintain a sexual abuse hotline, currently known as the “PREA” hotline. Hotline calls will not require the use of the offender’s PIN number. Should a sexual abuse hotline be maintained, monitoring of this line will be the responsibility of the OPS, with immediate oversight by the Department’s PREA Coordinator, or designee.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 23 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

**2. Third Party Reporting:**

a. Third party reports may be made to:

- i. The Ombudsman's Office at P.O. Box 1329 Forsyth, Ga 21029 478-992-5358
- ii. By email to the PREA Coordinator at: [PREA.report@gdc.ga.gov](mailto:PREA.report@gdc.ga.gov); and
- iii. 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.

b. Staff members shall accept reports made verbally, in writing, and from third parties and shall promptly document any verbal reports.

c. Staff members shall forward all reports or suspicions of sexual abuse or Sexual Harassment to their immediate supervisor or the designated SART member promptly.

**3. Offender Grievances:** Allegations of Sexual abuse and Sexual Harassment are not grievable issues. They should be reported in accordance with methods outlined in this policy.

**F. Official Response Following an Offender Report:**

1. Staff, First Responder, and Department reporting duties:

a. Response protocols shall follow the guidelines outlined in Attachment 7, Local Procedure Directive and Coordinated Response Plan.

b. The PREA Unit will be notified, via [PREA.report@gdc.ga.gov](mailto:PREA.report@gdc.ga.gov), of all allegations via Attachment 10, PREA Initial Notification Form.

2. Reporting to Other Confinement Facilities:

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 24 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- a. In cases where there is an allegation that sexual abuse occurred at another Department facility, the Warden/Superintendent (or his/her designee) of the victim's current facility will provide notification to the Warden/Superintendent of the institution where the allegation allegedly occurred and the Department's PREA Coordinator. In cases alleging sexual abuse by staff at another institution, the Warden/Superintendent of the offender's current facility refers the matter directly to the Regional SAC and the Department's PREA Coordinator. For non-Department facilities, the Warden/Superintendent will notify the appropriate office of the facility where the abuse allegedly occurred and the Department's PREA Coordinator.
  - b. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
  - c. The facility shall document that it has provided such notification.
  - d. The facility head or Department office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.
3. Coordinated Response: Each facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. This plan will be kept current and include names and telephone numbers of coordinating parties and be a part of Attachment 7, PREA Local Procedure Directive and Coordinated Response Plan.
4. Protection Against Retaliation:
- a. Anyone who retaliates against a staff member or an offender who has reported an allegation of sexual abuse or Sexual Harassment or who has participated in a subsequent investigation shall be subject to disciplinary action.
  - b. The Department shall protect offenders and staff members who report sexual abuse, or Sexual Harassment from retaliation. **The**

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 25 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

**Warden/Superintendent shall designate a staff member to serve as the facility Retaliation Monitor and identify them as such in the PREA Local Procedure Directive and Coordinated Response Plan (Attachment 7).** Multiple protection measures include offender housing changes or transfers, removal of alleged staff members or offender abusers from contact with victims, and emotional support services for offenders or staff members who fear retaliation for reporting or for cooperating with investigations.

- c. The designated Retaliation Monitor shall, for at least 90 days following a report of abuse, monitor the conduct and treatment of offenders or staff members who reported the sexual abuse or who participated in an investigation, to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation.
  - i. This monitoring will include review of any offender disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff members. Periodic in-person status checks shall be made by the monitor as well. Attachment 8, Retaliation Monitoring Checklist, shall be completed for each offender monitored. The original shall be kept in a master file by the monitor and a copy placed with the SART incident report upon completion.
  - ii. This monitoring will include negative performance reviews or reassignments of staff members. Attachment 8, Retaliation Monitoring Checklist, shall be completed for each employee monitored. The original shall be kept in a master file by the monitor.
  - iii. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. The obligation for monitoring will terminate if the allegation is unfounded.

**G. Investigations:**

- 1. All reports of sexual abuse or Sexual Harassment will be considered

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 26 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

allegations and will be investigated.

2. The local SART is responsible for the administrative investigation of all allegations of sexual abuse or Sexual Harassment. Attachment 4, Sexual Allegation Response Checklist will be completed for all PREA allegations. In cases where allegations are made against staff members and the SART inquiry deems the allegation is unfounded or unsubstantiated by evidence, the case can be closed at the facility level. If the allegation is criminal in nature, an interview shall not be conducted, nor will a statement be collected from the accused perpetrator without first consulting the Regional SAC.
3. Appointing authorities or their designees shall report all allegations of sexual assault with penetration and those with immediate and clear evidence of physical contact, to their Regional Director, Regional SAC and the Department's PREA Coordinator immediately upon receipt of the allegation.
  - a. Where sexual abuse is alleged and cannot be cleared at the local level (as indicated in G.2. of this section), the Regional SAC shall determine the appropriate response upon notification. If this appropriate response is to open a criminal investigation, the Regional SAC shall assign an agent or investigator who has received special training in sexual abuse investigations.
  - b. Agents and investigators shall gather and preserve direct and circumstantial evidence including 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.
  - c. 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.
  - d. Upon conclusion of the criminal investigation, OPS must notify the Warden/Superintendent of the disposition of the case. The Warden must

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 27 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

ensure that Attachment 3, PREA Disposition Offender Notification Form is completed and a copy is both given to the offender and placed in the case file. On completion of this procedure, the PREA Coordinator's Office will be notified via [PREA.report@gdc.ga.gov](mailto:PREA.report@gdc.ga.gov) of the disposition and the date in which the offender was notified.

4. At the conclusion of each SART investigation, Attachment 6, PREA Investigative Summary shall be submitted to the PREA Unit for administrative review.
5. For investigations of allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution in accordance with SOP 103.06, Investigations of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders.
6. All sexual abuse and Sexual Harassment investigations shall be prompt, thorough, and objective.
7. Administrative and criminal investigations shall include an effort to determine whether staff member actions or failures 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.
8. Substantiated Allegations of conduct that is deemed criminal shall be referred for prosecution.
9. OPS shall maintain all such written reports for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
10. The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating the investigation.
11. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 28 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

12. When outside agencies investigate sexual abuse, the Department shall cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigations.
13. There shall be no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or Sexual Harassment are substantiated.
14. Following the close of an investigation into an offender's allegation that he or she suffered sexual abuse in a Department facility, the facility shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, unfounded, unsubstantiated-forwarded to OPS or substantiated-forwarded to OPS. This will be completed by a member of the local SART unless appointing authority delegates to another designee. In the event an allegation is forwarded to OPS for investigation, the facility shall notify the offender of the outcome of the OPS investigation upon completion. Such notifications or attempted notifications shall be documented on Attachment 3, PREA Disposition Offender Notification Form. The Department's obligation to report under this standard shall terminate if the offender is released from the Department's custody.

**H. Discipline:**

1. Disciplinary Sanctions for Staff Members:

- a. Staff members who engage in sexual abuse with an offender shall be banned from correctional institutions and subject to disciplinary action, with termination being the presumptive discipline, and may also be referred for criminal prosecution when appropriate.
- b. Disciplinary sanctions for violations of Department policy related to Sexual Harassment will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff members with similar histories.
- c. All terminations for violations of the Department sexual abuse or Sexual

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 29 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Harassment policies, or resignations by staff members that would have been terminated if not for their resignation shall be reported to law enforcement agencies, unless the activity was clearly not criminal. These shall also be reported, as required, to the Georgia Peace Officers Standards and Training Council (POST).

- d. OPS shall refer all substantiated cases of Offender to Offender Sexual Abuse and Staff on Offender Sexual Abuse for criminal prosecution.
2. Contractors and Volunteers: Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of Department sexual abuse or Sexual Harassment policies by a contractor or volunteer.
  3. Disciplinary Sanctions for Offenders:
    - a. The Department 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. Note: All instances of sexual contact between offenders will be treated as non-consensual unless proven otherwise during the course of an investigation.
    - 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. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline.
    - c. 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 Harassment. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 30 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- d. 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.
- e. The disciplinary process shall consider whether the offender's mental disabilities or mental illness contributed to behavior when determining what type of sanction, if any, will be imposed. See SOP 508.18 MH/MR Discipline Procedures.
- f. If the facility offers therapy, counseling or other interventions to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer or require the perpetrator to participate in such interactions as a condition of access to programming or other benefits.
- g. An offender may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.

**NOTE:** Offender to Staff Sexual Abuse is not covered under PREA.

- h. For the purposes of a disciplinary action, a report of sexual abuse made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient evidence to substantiate the allegation.
- i. Following an administrative finding of malicious intent on behalf of the offender making a false report, regardless of method used, the offender shall be subject to disciplinary sanctions pursuant to a formal disciplinary process in accordance with SOP 209.01 Offender Discipline.
  - i. Any person who willfully and knowingly gives or causes a false report of a crime to be given to any law enforcement officer or agency of this state is prosecutable under O.C.G.A. § 16-10-26 False report of a crime. Any individual proven to make a false allegation (defined in 3.i. of this section) will receive a disciplinary

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 31 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

report and may be subject to prosecution under this statute.

- ii. Any person who willfully and knowingly gives or causes a false report of Sexual Harassment will be subject to disciplinary action in accordance with SOP 209.01 Offender Discipline.

**I. Medical and Mental Health Care:** The Department shall provide prompt and appropriate medical and mental health services in compliance with 28 CFR § 115 and in accordance with the Department SOPs regarding medical and mental health care.

**J. Data Collection and Review:**

1. **Monthly Sexual Abuse Program Review.** The facility SAIRT shall conduct a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation to review and assess the facility's PREA prevention, detection, and response efforts as stipulated in Attachment 9, Sexual Abuse Incident Review Checklist. Reviews are not necessary for incidents with a disposition of unfounded.

2. The review team shall:

- a. Each facility shall submit a report to the Department's PREA Analyst each month using the electronic spreadsheet provided from the PREA Coordinator's office. This form shall be submitted by e-mail no later than the fifth calendar day of the month following the reporting month. All allegations investigated within the month shall be included on this report along with the appropriate disposition. The monthly report shall be completed in accordance with the Facility PREA Log User Guide.
- b. The Department shall review data collected and aggregated of all sexual abuse allegations in order to improve staff performance, identify problem areas, and improve facility operations and offender sexual safety. The Department shall publish the data in an annual report, comparing each years' data, and provide an assessment of progress in addressing offender sexual abuse. It shall make this publicly available on its website.

**I. Audits:** The Department shall conduct audits pursuant to 28 C.F.R. §115.401-405.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 32 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

Each facility operated by the Department shall be audited every three (3) years on a schedule determined by the Department's PREA Coordinator. Federal Auditors determine compliance with federal standards and shall not dictate facility management, or procedural decisions. All auditor suggestions and findings shall be referred to the agency PREA Coordinator for review.

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

**V. Attachments:**

- Attachment 1: 208.06 Att.1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement;
- Attachment 2: 208.06 Att. 2, PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument;
- Attachment 3: 208.06 Att. 3, PREA Disposition Offender Notification Form;
- Attachment 4: 208.06 Att. 4, Sexual Allegation Response Checklist;
- Attachment 5: 208.06 Att. 5, Procedure for SANE Evaluation/Forensic Collection;
- Attachment 6: 208.06 Att. 6, PREA Investigative Summary;
- Attachment 7: 208.06 Att. 7, PREA Local Procedure Directive and Coordinated Response Plan;
- Attachment 8: 208.06 Att. 8, Retaliation Monitoring Checklist;
- Attachment 9: 208.06 Att. 9, Sexual Abuse Incident Review Checklist;
- Attachment 10: 208.06 Att. 10, PREA Initial Notification Form; and
- Attachment 11: 208.06 Att. 11 Staffing Plan Template.

**VI. Record Retention of Forms Relevant to this Policy:**

Retention of PREA related documents and investigations shall be securely retained and made in accordance with the following schedule:

- A. Sexual abuse data, files, and related documentation - at least 10 years from the date of the initial report.

GEORGIA DEPARTMENT OF CORRECTIONS

**Standard Operating Procedures**

**Policy Name:** Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

**Policy Number:** 208.06

**Effective Date:** 3/2/2018

**Page Number:** 33 of 33

**Authority:**  
Commissioner

**Originating Division:**  
Executive Division (Office of Professional Standards)

**Access Listing:**  
Level II: Required Offender Access

- B. Criminal investigation data, files, and related documentation - for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years; or 10 years from the date of the initial report, whichever is greater.
  
- C. Administrative investigation data, files, and related documentation - for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years; or 10 years from the date of the initial report, whichever is greater.