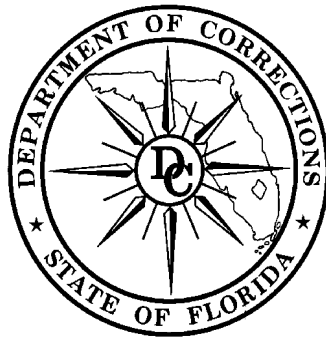


# **Florida Department of Corrections**

**New Employee Orientation  
Contract Staff**

**Participant Guide**



**Walter A. McNeil, Secretary**

# Introduction to the Business of Corrections

## **Purpose:**

The Florida Department of Corrections is one of the state's largest agencies. As of June 23, 2009 the number of incarcerated felons was 100,749 with over 157,792 offenders supervised on probation and parole as of April 2009, making Florida one of the largest prison system in the United States. The department consists of 56 major facilities (including six private facilities) as well as work camps, work release centers and road prisons for a total of 146. There are also 168 probation offices. We employ over 20,000 correctional officers and correctional probation officers. Three out of four Department of Corrections' employees is a Correctional Officer or Correctional Probation Officer (2007-2008 FL DOC Annual Report).

## **Learning Objectives:**

### **Upon completion of this training, you will be able to:**

1. Identify a Florida Law that helps drive down Florida crime rates.
2. Identify the average annual cost to operate a prison cell within the Florida Department of Corrections.
3. Identify what the annual benefit cost savings is to society for every prison cell operated.
4. Identify benefits of incarcerating one felon on a yearly basis.
5. Identify the goals of the Florida Department of Corrections.
6. Review the historical aspects of the Department.
7. Identify how Procedure Manuals facilitate the operation of the Department.
8. Explain how the Department is structured.

## **Introduction to the Business of Corrections**

### **1. Identify a Florida Law that helps drive down Florida crime rates.**

Florida is tougher on criminals today than at any other time in the past 10 years. Florida's 10-20-Life and other measures enacted by the Florida Legislature helped drive down crime rates, demonstrating the effectiveness of incarcerating felons. Investing resources in public safety and incarcerating criminals saves lives and economic resources.

### **2. Identify the average annual cost to operate a prison cell within the Florida Department of Corrections.**

The average yearly cost to house an inmate in the state of Florida within all types of state prison facilities is \$55.09 per day or \$20,108. This ranges from \$44.96/day at Adult Male facilities to \$99.12/day at Reception Centers (2007-2008 DC Annual Report).

### **3. Identify what the annual benefit cost savings is to society for every prison cell operated.**

According to a National Institute of Justice study operating a prison cell produces an annual benefit to society of \$172,000 (June 2007).

### **4. Identify benefits of incarcerating one felon on a yearly basis.**

The Council on Crime in America notes that incarcerating one felon in state prison prevents up to 21 crimes; that every murder costs \$2.4 million, every rape \$60,000, every assault \$25,000, and every robbery \$19,000.

### **5. Identify the goals of the Florida Department of Corrections.**

#### **Mission Statement:**

To protect the public safety, to ensure the safety of Department personnel, and to provide proper care and supervision of all offenders under our jurisdiction while assisting, as appropriate, their reentry into society.

#### **Goals:**

1. Protect the public, staff and inmates.
2. Develop staff committed to professionalism and fiscal responsibility.
3. Ensure victims and stakeholders are treated with dignity, sensitivity and respect in making and executing administrative and operational decisions.
4. Prepare offenders for re-entry and release into society.

### **6. Review the historical aspects of the Department.**

Further information about the Department of Corrections can be found at this web site: <http://www.dc.state.fl.us/>.

Further information about the Department's long-range program plan can be located at the following web site: <http://www.dc.state.fl.us/pub/LRPP/2010/index.html>.

Further information including statistical data about the prison population and trends is located at this web site: <http://www.dc.state.fl.us/pub/index.html>.

The history of the Florida Department of Corrections is both fascinating and extremely entertaining. When time permits, review the history at this web site: <http://www.dc.state.fl.us/oth/timeline/index.html>.

### **7. Identify how Procedure Manuals facilitate the operation of the Department.**

The Florida Department of Corrections utilizes six (6) different Procedure Manuals. These manuals ensure consistent and uniform management and operation of the department by centrally developing all rules and procedures, complying with applicable federal, state and local statutes, administrative rules, enforced consent decrees, case law and American Correctional Association standards.

The manuals define the procedures (steps/tasks) that must be followed in order to implement the department's rules. These manuals are designated by major management groups.

- Office of the Secretary
- Office of Administration
- Office of Community Corrections
- Office of Health Services
- Office of Program, Transition and Post-Release Services
- Office of Security and Institutional Management

The Procedure Manuals are located at this web location: <http://dcweb/co/pm/index.html>

### **8. Explain how the Department is structured.**

The Department structure is best described using the following organizational chart located at this web site: <http://www.dc.state.fl.us/orginfo/orgchart.html>.

## Objectives Review for Introduction to the Business of Corrections

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Answer the following questions by choosing the letter of the correct answer. There is only one correct answer for each question.

1. (1) Which of the following Florida Laws is proven to help drive down Florida's crime rate?
  - a. Criminal Use of Personal Identification
  - b. 10-20-Life
  - c. HIV Testing of Inmates
  - d. Corrections Mental Health Act
  
2. (2) What is the average annual cost to house an inmate in the Department across all types of state facilities?
  - a. \$20,555
  - b. \$19,700
  - c. \$20,108
  - d. \$14,250
  
3. (3) For every prison cell operated, what is the annual benefit cost savings to society?
  - a. \$149,000
  - b. \$172,000
  - c. \$125,000
  - d. \$133,000
  
4. (4) It is estimated by the Council on Crime that incarcerating one felon can prevent up to 21 crimes on a yearly basis.
  - a. TRUE
  - b. FALSE
  
5. (5) Which of the following statement(s) is (are) part of the Department's goals?
  - a. Protect the public, staff and inmates
  - b. Develop staff committed to professionalism and responsibility
  - c. Prepare offenders for re-entry and release into society
  - d. All of the above
  
6. (7) As an institutional employee, whose Procedure Manuals are most related to you and your job responsibilities?
  - a. Office of Security and Institutional Management
  - b. Office of Community Corrections
  - c. Office of the Secretary
  - d. All of the above

## Use of Force Techniques

### **Purpose:**

When and why it is sometimes necessary to apply chemical agents and use force are contained in this module. This information is provided so that you, as an employee, will have access to required procedures about the use of chemical agents or force. The basis for these topics and the job skill requirements are found in **Florida Statute 944.35**, and in **Department Procedure 602.002**, *Use of Force in Correctional Facilities* and **Department Procedure 602.003**; *Use of Electronic Immobilization Devices, Chemical Agents, Specialty Impact Munitions, Noise Flash Distraction Devices, Pepperball Launching System, and Firearms in Correctional Facilities*.

As an institutional employee, it is crucial that you be thoroughly familiar with Department procedures that must be followed when using force or applying chemical agents.

A non-certified employee may witness the use of force or the application of a chemical agent, although maybe not frequently. The content of this module will assist you to know what to expect when these actions are necessary.

### **The following issues relevant for staff to understand related to Use of Force include:**

- **Legal Background and Use of Force guidelines**
- **Agency Policies on Use-of-Force training**
- **Use of Chemical Agents**

### **Learning Objectives:**

#### **Upon completion of this training, you will be able to:**

- A.** Recognize legal background underlying use of force guidelines.
1. Explain the provisions of Chapters 944 and 945, F.S., related to the use of force by state correctional officers.
  2. Identify circumstances which staff is authorized to use force according to Department of Corrections Procedure 602.002, *Use of Force in Correctional Facilities*.
  3. Apply the legal authority for an officer's response to a subject's resistance.
  4. Identify the essential criteria to determine the justification for the use of deadly force.
  5. Identify various situational factors that may influence the use of force.
  6. Identify reasonable and necessary force in given situations by employing use of force guidelines in a decision-making process.
- B.** Identify Agency Policies on Use of Force training.
7. Identify specific requirements associated with agency use of force procedures.
  8. Identify reporting procedures for use of force.
- C.** Identify general guidelines for use of chemical agents and electronic immobilization devices.
9. Identify general guidelines for the use of chemical agents by correctional officers.
  10. Identify those officers that are pre-authorized to carry chemical agents and the circumstances under which they are preauthorized to use the chemical agents.

## Use of Force Techniques

A. Recognize legal background underlying use of force guidelines.

**1. Explain the provisions of Chapters 944 and 945, F.S., related to the use of force by state correctional officers.**

**Chapter 944, F.S., is specific to the use of force by state correctional and correctional probation officers.** Chapter 945, F.S., establishes that the Department of Corrections has jurisdiction over the supervisory and protective care, custody, and control of inmates and offenders.

**Section 944.35, F.S. provides:**

(1)(a) An **employee** of the department is authorized to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

1. To defend himself or herself or another against such other imminent use of unlawful force;
2. To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;
3. To prevent damage to property;
4. To quell a disturbance;
5. To overcome physical resistant to a lawful command; or
6. To administer medical treatment only by or under the supervision of a physician or his or her designee and only:
  - a. When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or
  - b. When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.

**2. Identify circumstances which staff is authorized to use force according to Department of Corrections Procedure 602.002, Use of Force in Correctional Facilities.**

1. To defend himself or herself or another against such other imminent use of unlawful force;
2. To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;
3. To prevent damage to property;
4. To quell a disturbance;
5. To prevent the escape of an inmate during transport or while outside a correctional institution or facility;
6. To overcome physical resistant to a lawful command; or
7. To administer medical treatment only by or under the supervision of a physician or his or her designee and only:
  - a. When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or
  - b. When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.

8. To restrain the inmate when ordered by a physician in order to allow medical staff to administer medical treatment or apply medically necessary restraints.

### **3. Apply the legal authority for an officer's response to a subject's resistance.**

#### **Authority to Use Force**

Much litigation against criminal justice officers is not about the amount of force used, but whether the use of force was permitted at all. Though the law grants criminal justice officers the right to use force, this right is conditioned on their official authority

Correctional officers have full-time authority over inmates due to the inmates' adjudication and suspension of civil rights. A law enforcement officer's authority to use force is established by the officer's reasonable belief that a crime has been, is being, or is about to be committed. Absent this belief, known as reasonable suspicion, a law enforcement officer has no authority over a subject, and thus no permission to use any amount of force at all.

#### **Levels of Force**

The courts have used the term *objective reasonableness* to describe the process for evaluating the appropriateness of an officer's response to a subject's resistance. Force decisions may escalate and de-escalate rapidly in relation to the perceived threat. An officer's goal is to achieve subject compliance. *Compliance* is the verbal and/or physical yielding to an officer's authority without apparent threat of resistance or violence.

### **4. Identify the essential criteria to determine the justification for the use of deadly force.**

#### **Section 776.07, F.S., (Use of force to prevent escape) states:**

- (A correctional officer or other law enforcement officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.
- Use of deadly force may be an officer's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the officer misses the target.
- The officer must base his or her decision to use deadly force as a defensive tactic on a clear, reasonable belief that he or she, a fellow officer, or another person, faces imminent danger of death or great bodily harm.

### **5. Identify various situational factors that may influence the use of force.**

#### **Some situational factors may be as follows:**

- severity of the crime
- subject is an immediate threat
- subject's mental or psychiatric history, if known to the officer
- subject's violent history, if known to the officer

- subject's combative skills
- subject's access to weapons
- innocent bystanders who could be harmed
- number of subjects versus number of officers
- duration of confrontation
- subject's size, age, weight, and physical condition
- officer's size, age, weight, physical condition, and defensive tactics expertise
- environmental factors, such as physical terrain, weather conditions, etc.

**6. Identify reasonable and necessary force in given situations by employing use of force guidelines in a decision-making process.**

The **Force Guidelines** recognizes that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic. Formulating a valid response requires continual assessment as the situation changes.

### **The Decision-Making Process**

#### **1. Subject Resistance**

- Is the subject verbally or physically resisting my lawful authority?
- Is the subject making attacking movements that **are not** likely to cause death or great bodily harm
- Is the subject making attacking movements that **are** likely to cause death or great bodily harm?

#### **2. Situational Factors**

- What subject factors influence this situation?  
Weapon? Physical size? Demeanor? Others?
- What officer factors influence this situation?  
Training? Experience? Physical size? Others?
- What environmental factors influence this  
Situation: Weather? Location? Presence of others?

## The Decision Making Process (Cont.)

### 3. Officer's Response

- Can I physically control the subject?
- Could I use a non-lethal weapon not meant to cause death or great bodily harm?
- Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

### 4. Justification

- Were my actions reasonable based on the subject's resistance and the totality of the circumstances?
- Am I able to articulate the reasons for my actions?
- Was I in compliance with constitutional and state laws, agency policy, and training?

#### **B. Identify Agency Policies on Use of Force training.**

##### **7. Identify specific requirements associated with agency use of force procedures.**

Physical force will be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective will be employed.

There will be no corporal punishment of any kind. Handcuffs, leg irons, and other such devices will be used only for restraint and not for punishment.

The provisions of the procedure will be incorporated into the department's use of force training curriculum.

##### **8. Identify reporting procedures for use of force.**

**Where circumstances permit, the warden or, in her/his absence, the duty warden will be consulted and give her/his permission prior to use of physical force.**

- Whenever force is authorized the employee who was responsible for making the decision will prepare, date, and sign the “Authorization for Use of Force,” DC6-232 either during, or immediately after, the tour of duty when force was used.
- If the authorization for force is given after normal working hours, the employee authorizing the force will complete and sign the DC6-232 within one (1) working day (Monday through Friday) following the incident.
- If circumstances do not permit prior approval, the warden or, in his/her absence the duty warden will be notified immediately following any use of force incident.

**C. Identify general guidelines for use of chemical agents and electronic immobilization devices.**

**9. Identify general guidelines for the use of chemical agents by correctional officers.**

- The first thing the officer must ask him/herself, “is this the best action to take?”
- Will the use of chemical agents bring the inmate into a compliant state? To answer these questions you must evaluate the:
  - level of resistance the inmate is demonstrating
  - level of force which will be least likely to cause injury to staff or inmate.
- Chemical agents must not be used to simply punish an inmate. Rather its use is to bring a non-compliant inmate back into compliance. Is the inmate in a state of resistance?
- You need to carefully evaluate your decisions. For example, if the inmate is responding to orders while being removed from the cell, or he/she is responding to orders to be “cuffed up” this demonstrates the inmate’s willingness to comply with these orders and also shows that the inmate is somewhat compliant.
- Still the inmate can be displaying verbal resistance which can disrupt the normal operations of the unit (for example – while in confinement). In those closed settings and under those conditions the determination to utilize chemical agents should be made by the Warden/Duty Warden, through the Officer-in-Charge. Also note that the use of chemical agents will not be used at a distance of less than five (5) feet unless it is necessary due to circumstances.

**10. Identify those officers that are pre-authorized to carry chemical agents and the circumstances under which they are preauthorized to use the chemical agents.**

All certified officers assigned to major institutions and work camps are designated by the Secretary as required to carry chemical agents and will be issued one (1) (three [3]- or four [4]-oz) dispenser of OC (pepper spray). These officers are pre-authorized to administer chemical agents in spontaneous circumstances without additional authorization for intervention in self-defense; i.e., when the officer believes that s/he is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers, or inmates. Certified security officers assigned to armed perimeter posts may be exempted from this designated requirement at the discretion of the institutional warden. Certified officers assigned to major institutions and posted to internal security, recreation field and shift supervisor posts and/or designated as “A” team response members are

Authorized by the Secretary to be issued one (1) twelve-thirteen (12-13) ounce MK-9 (or equivalent) dispenser of OC (pepper spray). In addition to the dispenser issued in accordance with Section (6)(n) of this procedure. Certified officers thus posted and/or designated are pre-authorized to administer chemical agents from this dispenser in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present such as recreation fields, canteen and meal lines, etc. This chemical agent option should only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary. Due to the broad contaminating effects of this dispenser, it should only be used out of doors for the purposes specified and authorized above.

## Objective Review for Use of Force

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Answer the following questions by choosing the letter of the correct answer. There is only one correct answer for each question.

1. (1) **The use of force by state correctional and correctional probation officers is specifically addressed in Chapter 944 of the Florida Statutes.**
  - a. True
  - b. False
  
2. (2) ***Objective reasonableness* has been used by the courts to describe the process for evaluating the appropriateness of an officer's response to a subject's resistance.**
  - a. True
  - b. False
  
3. (5) **Use of force guidelines are employed in use of reasonable and necessary force to given situations and the decision-making process should employ all of the categories which include:**
  - a. Situational factors and Justification
  - b. Officer's Response and Subject Resistance
  - c. Subject Resistance, Situational Factors, Officer's Response and Justification.
  - d. Only a. & b.
  
4. (3) **Deadly force does not necessarily mean that someone died from the force used.**
  - a. True
  - b. False
  
5. (4) **Some situational factors that may influence the use of force include:**
  - a. Subjects' combative skills
  - b. Subject's size, age, weight & physical condition
  - c. Number of subjects versus numbers of officers
  - d. All of the above
  
6. (5) **Only that amount and type of force that reasonably appears necessary to accomplish the authorized objective will be employed when use of force is justified.**
  - a. True
  - b. False
  
7. (7) **If circumstances do not permit prior approval for use of force, the warden or, in his/her absence, the duty warden will be notified immediately following any use of force incident.**
  - a. True
  - b. False

8. **(8) Chemical agents may be used to punish an inmate at the officer's discretion.**
  - a. True
  - b. False
  
9. **(9) An individual who is pre-authorized to carry chemical agents is also pre-authorized to use chemical agents when he/she believes there is an imminent threat of bodily harm to themselves, other staff, visitors, volunteers, or inmates.**
  - a. True
  - b. False

## Emergency Topics

### **Purpose:**

The first priority of the Florida Department of Corrections is to protect the public, staff and the inmate population. Protecting large populations during emergency situations is no easy task. Therefore in order to carry out these procedures, staff must be fully aware of their responsibilities in times of crisis.

As Department staff, you must understand that even though the Department has identified general guidelines to follow and has specified different emergency plans; it would be impossible to address every type of emergency situation that could arise. The information in this manual provides general guidelines to follow while ensuring that the care, custody, and control of the inmate population are maintained.

As an employee, you *must* acquire knowledge throughout your career regarding emergencies. This module contains common tasks and topics, located in the Department's **Emergency Preparedness Procedure, 602.009** and its accompanying addendums.

### **Learning Objectives:**

#### **Upon completion of this training, you will be able to:**

1. Identify the responsibilities of the department during an emergency.
2. Define terms related to Emergency Topics.
3. Identify the levels of "Alert Status" as they relate to the Emergency Preparedness Program.
4. Identify the levels of a "Partial Lockdown".
5. Identify the levels of a "Complete Lockdown".
6. Identify the specific procedures that are included and adhered to in all institutional emergency plans.
7. Identify both on-site and off-site institutional evacuation procedures.
8. Identify the situations which constitute an emergency within a correctional facility and know where the emergency plans are maintained.
9. Identify emergency post orders with corresponding checklists.
10. Identify the principal parts of fire extinguishers.
11. Identify classes of fires.
12. Identify types of fire extinguishers.
13. List the sequential steps to follow with fire extinguishers.

## Emergency Topics

### 1. Identify the responsibilities of the department during an emergency.

#### During an emergency the Department is responsible to:

- Provide an emergency response program and resources to contain, control and successfully resolve emergencies that may occur.
- Train staff to provide an appropriate controlled response to emergencies.
- Return the facility to normal operations as soon as possible after an emergency.
- Effectively manage the aftermath of an emergency.
- Respond to any emergency situation exercising the following priorities:
  - ~ **Safety of the public**
  - ~ **Safety of staff**
  - ~ **Safety of inmates**
  - ~ **Protection of state and public property**

### 2. Define terms related to Emergency Topics.

**Strike Team:** refers to the five (5) member team identified by each warden of an institution (with the exception of wardens at reception centers) in preparation to respond anywhere within the state and remain at various staging and/or disaster areas for extended periods of time. Staff assigned to this strike team WILL NOT be members of (CERT, RRT, CNT or Canine). Members will also be selected based on availability and should not be persons with immediate personal needs such as families, etc. Strike teams will only be activated by the Department of Corrections' EOC.

**Cleanup and Restoration Team (CART):** refers to a team of skilled staff or inmates sent in to a disaster area as a result of the damage assessment team's assessment to begin returning the damaged area/facility to operational use. These teams can be of time. Staff assigned to this strike team WILL NOT be members of (CERT, RRT, CNT or Canine). Members will also be selected based on availability and should not be persons with immediate personal needs such as families, etc. Strike teams will only be activated by the Department of Corrections' EOC.

**Cleanup and Restoration Team (CART):** refers to a team of skilled staff or inmates sent in to a disaster area as a result of the damage assessment team's assessment to begin returning the damaged area/facility to operational use. These teams can be internal for restoration of facilities or external for providing assistance in the surrounding communities.

**State Emergency Operations Center:** refers to the Division of Emergency Management-maintained center in Tallahassee, which serves as the communication and command center for reporting emergencies and coordinating state response activities. The director of Emergency Management acts on behalf of the Governor and directs allocation of all state resources during emergency events.

**Level of Alert:** refers to the appropriate level of alert status a facility is placed under when moving towards a disaster event or when de-escalating from the event.

**Emergency Response Teams:** refers to the institutional correctional emergency response teams, rapid response teams, and crisis negotiation units.

**Disaster Event/Emergency:** where used herein, refers to an assault from the outside, bomb threat, employee strike, escape, evacuation, fire, hazardous material/chemical spill, hostage, medical emergency, natural or man-made disaster, pandemic, riot and disorder or any other significant departure from normal operations in which significant resources are required to resolve the incident.

**Damage Assessment Team (DAT):** refers to a team sent into a disaster area, when it can be safely accomplished, to assess the extent of damage so that resources can be immediately marshaled to address those needs.

**Initial Commander:** refers to the highest ranking staff member in an institution at the time an emergency is declared.

**Command Center (or Command Post):** refers to a predetermined location, such as a control room or warden's office that is separate and secure from the disaster event and is large enough and equipped to handle the supervision of the event. This area is normally separate from the emergency operations center.

**Ultimate Commander:** refers to the agency head or her/his designee for central office, the regional director or her/his designee at the regional level, and the warden or her/his designee at the institutional level.

### **3. Identify the levels of “Alert Status” as they relate to the Emergency Preparedness Program.**

See Department's Emergency Preparedness Procedure, 602.009 and its accompanying addendums for an explanation of specific procedures included and adhered to in all institutional emergency plans.

#### **Alert Status:**

- **Level I – Amber:** normally seventy-two (72) to forty-eight (48) hours prior to anticipated landfall or other emergency event.
- **Level II - Yellow:** normally forty-eight (48) to twenty-four (24) hours prior to anticipated landfall or other emergency event.
- **Level III - Blue:** normally during the last twenty-four (24) hours prior to anticipated landfall or other emergency event.

### **4. Identify the levels of a “Partial Lockdown”.**

**Partial Lockdown (Level I)** refers to the partial restriction of inmate movement based on location at the time of an incident. This is a short term status used only as long as needed to resolve an incident. This may only affect specific sections of the compound and the other areas can continue normal operations with a heightened vigilance regarding inmate activities. Determining what activities can continue will be the prerogative of the Incident Commander.

Authority to implement: Incident Commander

Authority to lift or lower: Assistant Secretary of Institutions

**Partial Lockdown (Level II)** refers to the partial restriction of inmate movement based on housing location. This is an extended period of restrictive movement and allows for escorted inmate movement that is required for continued operations of the facility, i.e. food service workers, laundry. This may only affect specific sections of the compound and the other areas can continue normal operations with a heightened vigilance regarding inmate activities. Determining what activities can continue will be the prerogative of the Incident Commander.

Authority to implement: Incident Commander  
Authority to lift or lower: Assistant Secretary of Institutions

## 5. Identify the levels of a “Complete Lockdown”.

**Complete Lockdown (Level I)** refers to the immediate total restriction of inmate movement from their current locations. This is a short term status used only as long as needed to resolve an incident. All staff and inmates will be immediately accounted for. All available staff will be utilized, depending on the nature of the incident this may include other institution’s staff, Rapid Response Teams (RRT), Correctional Emergency Response Teams (CERT) and/or outside agencies. Staff will be posted by the Incident Commander specifically at movement control points, housing units, support buildings, etc... for the duration of this level. Specific attention should be paid to program areas, perimeter posting and armed tower officers. This does NOT allow for any inmate movement except such needed to resolve the incident. Medical emergencies will be treated on site by medical staff. Inmates will not be escorted for treatment unless it is life threatening or imminently infectious. Only emergency vehicles will be permitted inside the secure perimeter. The institution’s Emergency Operations Center will be established. Feeding of the inmate population will be postponed until this level of lockdown is lifted or lowered. All programs and call outs are suspended. Visitation is suspended. Canteen and recreation privileges are suspended. Access to televisions and telephones is suspended. THIS CONDITION WILL NOT LAST MORE THAN 12 HOURS UNLESS AUTHORIZED BY THE ASSISTANT SECRETARY OF INSTITUTIONS.

Authority to implement: Incident Commander  
Authority to lift or lower: Assistant Secretary of Institutions

**Complete Lockdown (Level II)** refers to the complete restriction of inmate movement after being returned to their respective housing units. This is a longer period of restrictive movement and allows for only escorted inmate movement that is required for continued operations of the facility, i.e. food service workers. All available staff will be utilized, depending on the nature of the incident this may include other institution’s staff, Rapid Response Teams (RRT), Correctional Emergency Response Teams (CERT) and/or Staff will be posted by the Incident Commander specifically at movement control points and housing units. All staff and inmates will be immediately accounted for. The Incident Commander will supplement staffing rosters to include extra staff in housing units, and for escorts. Specific attention should be paid to perimeter posting and armed tower officers. Medical emergencies will be treated on site by medical staff. Inmates will not be escorted for treatment unless it is life threatening or imminently infectious. Only emergency vehicles will be permitted inside the secure perimeter. The institution’s Emergency Operations Center will be established. There will be no other inmate movement except such needed to resolve the incident. Feeding of the inmate population will be conducted in the housing units. All programs and call outs are suspended. Visitation is suspended. Canteen and recreation privileges are suspended. Access to televisions and

telephones is suspended. **THIS CONDITION WILL NOT LAST MORE THAN 24 HOURS UNLESS AUTHORIZED BY THE ASSISTANT SECRETARY OF INSTITUTIONS.**

Authority to implement: Incident Commander

Authority to lift or lower: Assistant Secretary of Institutions

**Complete Lockdown (Level III)** refers to the complete restriction of inmate movement after being returned to their respective housing units. This is an extended period of restrictive movement and allows for escorted inmate movement that is required for continued operations of the facility, i.e. food service workers, laundry, etc... All available staff will be utilized, depending on the nature of the incident this may include other institution's staff, Rapid Response Teams (RRT), Correctional Emergency Response Teams (CERT) and/or outside agencies. Staff will be posted by the Incident Commander specifically at movement control points and housing units. All staff and inmates will be immediately accounted for. The Incident Commander will supplement staffing rosters to include extra staff in housing units, and for escorts. Specific attention should be paid to perimeter posting and armed tower officers. Medical call outs and sick call will resume under escort. Only emergency vehicles will be permitted inside the secure perimeter. The institution's Emergency Operations Center will be established. Feeding of the inmate population will be conducted under escort by housing unit. All non-essential programs are suspended. Visitation may be allowed under restricted measures, i.e. odd/even days at the discretion of the Assistant Secretary of Institutions. Canteen and telephone privileges may be granted at the discretion of the discretion of the Incident Commander. Television and dayroom access may be granted as security permits at the discretion of the discretion of the Incident Commander. **THIS CONDITION WILL NOT LAST MORE THAN 24 HOURS UNLESS AUTHORIZED BY THE ASSISTANT SECRETARY OF INSTITUTIONS.**

Authority to implement: Incident Commander

Authority to lift or lower: Assistant Secretary of Institutions

## **6. Identify the specific procedures that are included and adhered to in all institutional emergency plans.**

**See Department's Emergency Preparedness Procedure, 602.009 and its accompanying addendums for an explanation of specific procedures included and adhered to in all institutional emergency plans.**

- Locate and Verify
- Isolate
- Evacuate and Command Change
- Resolve
- Deactivate

## **7. Identify both on-site and off-site institutional evacuation procedures.**

**See Department's Emergency Preparedness Procedure, 602.009 and its accompanying addendums for an explanation of specific procedures for your facility.**

**8. Identify the situations which constitute an emergency within a correctional facility and know where the emergency plans are maintained.**

The eleven (11) incidences that constitute emergency situations and must have emergency plans prepared for them. Identify where these plans are located.

1. Assault from the Outside or Terrorist Activity
2. Bomb Threat
3. Employee Strike
4. Escape
5. Evacuation
6. Fire
7. Hazardous Material (Chemical Spill)
8. Hostage
9. Medical Emergency or Epidemic
10. Natural Disaster
11. Riot and disorder

**9. Identify emergency post orders with corresponding checklists.**

**See Department's Emergency Preparedness Procedure, 602.009 and its accompanying addendums for an explanation of information contained within the emergency post orders and corresponding checklists.**

**Emergency Post Orders with Checklists:**

1. Initial Commander
2. Ultimate Commander
3. Operations Officer
4. Intelligence Officer
5. Notification Officer
6. Public Information Officer
7. Recorder
8. Logistics Officer
9. Arsenal Officer
10. Lock & Key Officer
11. Medical Officer
12. CERT Leader
13. Transportation Officer
14. Records/Classification Officer
15. Maintenance Officer
16. Fire Officer
17. Food Service Officer
18. Outside Agency Liaison
19. Hostage Communicator

20. CNT Team Leader
21. Escape Commander
22. Escape Patrol Officer
23. Emergency Management Application Monitor/ Recorder (EM Tracker)

## 10. Identify the principal parts of fire extinguishers.

- **Canister**
- **Ring Pin**
- **Lever**

## 11. Identify classes of fires.

**Class A** – ordinary combustibles, such as wood, paper or anything that leaves an ash.

**Class B** - flammable materials, such as grease, gasoline, oil, etc.

**Class C** – energized electrical equipment; computers, motors, etc.

**Class D** – combustible metals, such as magnesium, titanium, etc.

**Class K** – combustible cooking media use in commercial cooking appliances, such as vegetable and animal oils.

## 12. Identify types of fire extinguishers.

**Dry Chemical** - extinguishers are usually rated for multiple purpose use. They contain an extinguishing agent and use a compressed, non-flammable gas as a propellant.

**Halon** - extinguishers contain a gas that interrupts the chemical reaction that takes place when fuels burn. These types of extinguishers are often used to protect valuable electrical equipment since they leave no residue to clean up. Halon extinguishers have a limited range, usually 4 to 6 feet. The initial application of Halon should be made at the base of the fire, even after the flames have been extinguished.

**Water** - These extinguishers contain water and compressed gas and should only be used on Class A (ordinary combustibles) fires.

**Carbon Dioxide** - (CO<sub>2</sub>) extinguishers are most effective on Class B and C (liquids and electrical) fires. Since the gas disperses quickly, these extinguishers are only effective from 3 to 8 feet. The carbon dioxide is stored as a compressed liquid in the extinguisher; as it expands, it cools the surrounding air. The cooling will often cause ice to form around the “horn” where the gas is expelled from the extinguisher. Since the fire could re-ignite, continue to apply the agent even after the fire appears to be out.

**Wet Potassium Acetate Based** – This type of extinguisher has a greater fire fighting and cooling effect for those much more efficient appliances that heat cooking oils to a much higher temperature and maintain that heat for a longer period than previous appliances and oils. Their range is 10-12 feet and will last for about 40 seconds.

**13. List the sequential steps to follow with fire extinguishers.**

**Pull** the pin at the top of the extinguisher that keeps the handle from being accidentally pressed.

**Aim** the nozzle toward the base of the fire. Stand approximately 8 feet away from the fire and

**Squeeze** the handle to discharge the extinguisher. If you release the handle, the discharge will stop.

**Sweep** the nozzle back and forth at the base of the fire. After the fire appears to be out, watch it carefully since it may re-ignite.

## Objective Review for Emergency Topics

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Answer the following questions by choosing the letter of the correct answer. There is only one correct answer for each question.

1. **(1) Which of the below if NOT a priority when responding to an emergency situation?**
  - a. Safety of the public
  - b. Protection of state and public property
  - c. Safety of inmates
  - d. None of the above
  
2. **(2) The Ultimate Commander is defined as?**
  - a. The agency head or her/his designed for Central office, the regional director or his/her designee at the regional level, and the warden or his/her designee at the institutional level
  - b. The highest ranking staff member in an institution at the time an emergency is declared.
  - c. The institutional correctional emergency response teams, rapid response teams, and crisis negotiation units.
  - d. Team of skilled staff or inmates sent to a disaster area as a result of the damage assessment team's assessment to begin returning the damaged area/facility to operational use.
  
3. **(3) What is a Level II Yellow alert status?**
  - a. Normally seventy-two (72) to forty-eight (48) hours prior to anticipated landfall or other emergency event.
  - b. Normally during the last twenty-four (24) hours prior to anticipated landfall or other emergency event.
  - c. Normally eight-eight to eighty (80) hours prior to anticipated landfall or other emergency event.
  - d. Normally forty-eight (48) to twenty-four (24) hours prior to anticipated landfall or other emergency event.
  
4. **(6) The specific procedures are included and adhered to in all institutional emergency plans are?**
  - a. Locate, isolate, evacuate resolve, deactivate
  - b. Locate, verify, isolate, evacuate, resolve
  - c. Locate and verify, isolate, evacuate, resolve, deactivate
  - d. Locate and verify, evacuate, resolve, deactivate
  
5. **(8) The number of incidences that constitute emergency situations and must have emergency plans prepared for them is?**
  - a. 11
  - b. 12
  - c. 13
  - d. 14

- 6. (9) What information is contained within the emergency post orders and corresponding checklists?**
- a. Positions
  - b. Locations
  - c. Chain of command and designation of responsibilities
  - d. All of the above
- 7. (11) Class D fires consist of?**
- a. Ordinary combustibles, such as wood, paper or anything that leaves an ash
  - b. Combustible metals, such as magnesium, titanium, etc.
  - c. Flammable materials, such as grease, gasoline, oil, etc.
  - d. Energized electrical equipment, such as computers, motors, etc.
- 8. (13) Which of the below are the steps to follow while operating a fire extinguisher?**
- a. Push, Aim, Squeeze and Sweep
  - b. Push, Aim, Snatch and Sway
  - c. Pull, Aim, Squeeze and Sweep
  - d. Pull, Aim, Squeeze and Sway

## **Inmate Relations Topics**

### **Purpose:**

This block of instruction provides an overview of policies, procedures, and guidelines for Inmate Supervision, Inappropriate Inmate Relations and/Inmate Manipulation and Contraband, Inmate Discipline and Inmate Grievance.

This block of instruction is not intended to cover all aspects involved in inmate relations therefore it is important that staff personally take the responsibility to become familiar with all departmental policies and procedures.

### **Learning Objectives:**

#### **Upon completion of this module, you will be able to:**

1. Define terminology associated with Inmate Relations Topics.
2. Identify the major steps to undertake in reporting disciplinary infractions.
3. Identify the major steps needed for preparation of the disciplinary report.
4. Identify characteristics of the Disciplinary Team and Hearing Officer.
5. Identify the regulations under which Disciplinary Hearings are held.
6. Identify the general policy on inmate grievances.
7. Identify subject matter that can be reviewed through the grievance procedure.
8. Identify subject matter that cannot be reviewed through the grievance procedure.
9. Identify appropriate interactions between staff and inmates.
10. Identify factors that affect the selection of a staff member as a victim of deception and manipulation.
11. Recognize attempts to be manipulated by inmates.
12. Identify ways to avoid inmate manipulation.
13. Identify principles of conduct that reflect positively on professionalism.
14. State penalties as defined in FS 944.35.
15. State policy of the Department of Corrections on employees who witness or can provide evidence of sexual misconduct as detailed in FS 944.35.
16. State methods to prevent and avoid sexual misconduct.
17. Define contraband as used in the Department's Procedure Contraband.
18. Identify how the Department prohibits contraband.
19. Identify ways to find contraband.
20. Explain the disposition of contraband.

## **Inmate Relations Topics**

### **1. Define terminology associated with Inmate Relations Topics.**

**Bureau of Inmate Grievance Appeals:** the bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to inmate grievance appeals.

**Classification Officer:** any classification *officer position, including Senior Classification Officer, and Classification Supervisor* who classifies inmates and assigns them appropriate job, housing, and rehabilitation programs.

**Contact Card:** a written log designed to document abnormal behavior by an inmate, other than an inmate in administrative confinement or close management. The Correctional Officers maintain it in the inmate's assigned dormitory (DC6-256).

**Corrective Consultation:** a written reprimand for a violation of rules of such a minor nature that no disciplinary report is necessary.

**DC:** refers to disciplinary confinement.

**Department Head:** staff person in charge of a work unit at a correctional facility.

**Designating Authority:** classification supervisor, responsible for the review of disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and Rules 33-601.301-601.314, F.A.C., and whether it shall be designated as minor or major as defined by Rule 33-601.302(11) and (12), F.A.C.

**Disciplinary Hearing:** the process used to provide administrative due process requirements for inmates charged with violating the rules of the Department.

**Disciplinary Report:** a formal method of charging an inmate with a rule violation.

**Disciplinary Team:** a team made up of at least two (2) staff persons, one (1) of whom shall be a senior classification officer or above, who serves as team chair who serves as team chair at the direction of the warden, and a Correctional Officer Lieutenant (or above) who will be responsible for hearing disciplinary reports.

**Emergency Grievance:** grievances that, if disposed of according to the regular time frames, would subject an inmate to substantial risk of personal injury or cause other serious and irreparable harm to her/him.

**Formal Grievance:** a "Request for Administrative Remedy or Appeal," DC1-303, which is a statement of complaint filed at the institutional level with the warden, assistant warden, or deputy warden.

**Grievance:** either an informal or formal written complaint or petition by an inmate concerning an incident, procedure, or condition within an institution, facility, or the Department that affects her/him personally.

**Grievance Appeal:** a statement of complaint filed with the Secretary of the Department of Corrections for appellate review through the use of the "Request for Administrative Remedy or Appeal," DC1-303.

**Grievance of Reprisal:** a grievance submitted by an inmate alleging that staff has or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure or a particular incident.

**Hearing Officer:** an employee who will be responsible for hearing disciplinary reports designated as minor.

**ICT:** Institutional Classification Team; the body responsible for making local classification decisions as defined in rule and procedure. The ICT will be comprised of the Warden or Assistant Warden who will serve as Chairperson, Classification Supervisor, Chief of Security, and other members as necessary when appointed by the Warden or designated by rule.

**Informal Grievance:** an initial statement of complaint on an “Inmate Request,” DC6-236, filed with the staff member who is responsible in the particular area of the alleged problem.

**Major Violation:** any rule violation where the maximum penalty is thirty (30) days in disciplinary confinement and thirty (30) days loss of gain time (30 DC + 30 GT) or greater. It’s also where the maximum penalty is less than 30 DC + 30 GT and the designating authority has determined that based upon one or more of the criteria listed in Rule 33-601,302(12), F.A.C. it is assigned to the disciplinary team as a major disciplinary report.

**Minor Violation:** any rule violation maximum penalty that could be imposed is less than 30 DC or 30 days loss of GT.

**Recipient:** a person or office receiving an inmate grievance for processing.

**Sexual Misconduct:** FS 944.35 (3)(b) means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

**Witness:** any person having information relevant to facts in dispute of the case.

## **2. Identify the major steps to undertake in reporting disciplinary infractions.**

When any employee or person supervising inmates witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department take note of the following:

- If the employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee will take the necessary actions to resolve the matter.
- The employee may decide to reprimand the inmate verbally or in writing.

### **Use of a verbal reprimand:**

- A verbal reprimand is considered any staff member’s verbal counseling of or verbal intervention to the inmate designed to motivate the inmate to comply with, or clarify the rules of prohibited conduct, Departmental rules/procedures or institutional regulations.
- A verbal reprimand will be documented on the inmate’s “Housing Officers Contact Card,” DC6-256

### **Use of a written reprimand:**

- The employee may decide to reprimand the inmate in writing by issuing her/him a “Corrective *Consultation*,” DC6-117.
- If a corrective *consultation* is the recommended course of action, a copy will be provided to the inmate within twenty-four (24) hours and a copy will be placed in the inmate’s institutional file.
- If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee will consult with her/his supervisor.
- The employee, with her/his supervisor’s approval, will initiate the preparation of a formal disciplinary report.

### **3. Identify the major steps needed for preparation of the disciplinary report.**

Applying discipline in a firm, fair and consistent manner will contribute to a safer and more orderly environment for inmates and staff. Staff should know the principle types of discipline to be utilized with inmates.

Only one (1) violation will be included in each disciplinary report.

The institution must generate separate disciplinary reports for multiple offenses.

The statement of facts will include:

1. A description of the violation (including date, time and place).
2. The specific rule(s) violated.
3. A formal statement of the charge.
4. Any unusual inmate behavior.
5. Any staff witnesses (All witnesses must provide a Witness Statement Form (DC6 112C).
6. Any physical evidence and its disposition.
7. Any immediate action taken (including the use of force).
8. Any other specific facts necessary for an understanding of the charge.

The completed disciplinary report will be submitted to the Shift Supervisor for her/his review and processing.

All witnesses must provide a Witness Statement Form (DC6-112C).

An investigation must be initiated within twenty four (24) hours of the Disciplinary Report being written.

### **4. Identify characteristics of the Disciplinary Team and Hearing Officer.**

A person will not serve as the Hearing Officer or as a member of the Disciplinary Team, or participate in the deliberations when they are:

1. A witness or the person who wrote the charge.
2. The investigator.
3. The person charged with reviewing the results of the disciplinary hearing.

The Hearing Officer will hear all disciplinary reports designated as minor.

At any time before the inmate enters a plea, the inmate may request that the case be referred to the Disciplinary Team.

The Disciplinary Team will hear all disciplinary reports designated as **major** or when requested by the inmate.

##### **5. Identify the regulations under which Disciplinary Hearings are held.**

No hearing will commence prior to twenty-four (24) hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the twenty-four (24) hour period.

In such cases, a “24-Hour/Refusal To Appear” Waiver, DC 6-112D must be signed by the inmate and witnessed by an employee and copies attached to each disciplinary report.

The Disciplinary Team or Hearing Officer will provide an explanation in the basis of findings section of the disciplinary report whenever the waiver process is utilized.

The inmate charged shall be present at the disciplinary hearing unless substantial reasons exist to preclude the inmate's presence or the inmate has waived his right to be present.

If the inmate waives the right to be present or refuses to be present, s/he must sign the 24-Hour/Refusal to Appear Waiver (DC6-112D).

An FDC employee must witness the inmate’s signature on the waiver.

When an inmate waives the right to be present at the hearing, the inmate may not submit, at the time of the refusal, a written statement that will be delivered to the Disciplinary Team or Hearing Officer.

The hearing will proceed in the inmate's absence if her/his disruptive conduct makes it necessary to remove the inmate from the hearing.

The Staff will include the reason for the inmate’s absence from the hearing in the “basis of decision” section of the disciplinary report.

The Hearing Officer or a Disciplinary Team member will read the charge, ask the inmate if s/he understands the charge and explain the range of penalties that could be imposed if there is a finding of guilt.

The Hearing Officer or a Disciplinary Team member will ask the inmate whether s/he wants or needs staff assistance for the hearing.

If in the opinion of the Hearing Officer or Disciplinary Team the inmate needs staff such assistance shall be assigned.

In cases of minor disciplinary reports, the Hearing Officer will explain to that they may request that her/his case be referred to the Disciplinary Team.

The Hearing Officer or Disciplinary Team will read the statement of facts and the inmate shall be asked to plea.

### **Inmate Pleas**

- If the inmate pleads "guilty," no further evidence is required.
- If the inmate pleads "not guilty," evidence in the case will be presented, including witness statement forms obtained from witnesses.
- If the inmate refuses to enter a plea, her/his refusal to plead will be treated as a "not guilty" plea, insofar as hearing procedures are concerned.
- A "no contest" plea will be handled as a guilty plea.

### **6. Identify the general policy on inmate grievances.**

An inmate will be entitled to invoke the inmate grievance procedure regardless of any disciplinary, classification or other administrative action, or legislative decision to which an inmate may be subject.

Each institution will ensure that the inmate grievance mechanism is accessible to impaired and disabled inmates. This may be accomplished by providing assistance through the institution's library if requested.

An inmate will be permitted to seek assistance from another inmate or a staff member in completing the grievance forms as long as the assistance requested does not interfere with the security and order of the institution.

The "Inmate Request," DC6-236, will be available at the institutional library, at the Classification Department from classification staff, and at the Housing Officer of any housing unit. The "Request for Administrative Remedy or Appeal," DC1-303, will be available at the institutional library, the Classification Department from classification staff, and the Housing Officer of any housing location.

### **7. Identify subject matter that can be reviewed through the grievance procedure.**

- Substance, interpretation, and application of departmental procedures and rules that affect her/him personally.
- Interpretation and application of state and federal laws and regulations that affect her/him personally.
- Reprisals for filing a complaint or appeal under the inmate grievance procedure, or for participating in an inmate grievance proceeding.
- Incidents occurring within the institution that affect her/him personally.
- Conditions of care or supervision within the authority of the Department.

### **8. Identify subject matter that cannot be reviewed through the grievance procedure.**

- Substance of state and federal court decisions.
- Substance of state and federal laws and regulations.
- Parole decisions.
- Other matters beyond the control of the Department.

## **9. Identify appropriate interactions between staff and inmates.**

### **Appropriate Interaction with Inmates**

- Address inmates by their correct name.
- Inmates should address you correctly.
- Never let your personal feelings become part of any conversation.
- Never discuss one inmate with another.
- Never discuss other staff with inmates.
- Never give an inmate authority over another inmate.
- Be aware of what you are discussing when inmates are in earshot.
- Know the rules that inmates must follow
  - Review inmate rules
- Protect yourself, keep a professional separation between you and the inmates.
- Restrict your relationship with inmates to activities and discussions that are a part of your official duties.
- Never engage in undue familiarity with inmates.
- Never use abusive language.
- Never ask inmates about their crime.

## **10. Identify factors that affect the selection of a staff member as a victim of deception and manipulation.**

### **Characteristics of a Staff Victim**

- New employee
- Overly trusting or naïve
- Overly familiar
- Not confident
- Complacent
- Mentally stressed
- Low self-esteem

Staff should be aware of the following types of susceptibility traits, which may be sought out by inmates.

Self-awareness of these traits will enable staff to look for alternative approaches to dealing with inmates. Note that the list is not all-inclusive.

### **How Inmates Play Games**

- Watch employees.
- Target employees.
- Identify weak link.
- “Set up” employees.
- Gain confidence.
- “Strike.”

### **Employee Susceptibility Traits:**

#### **Are you:**

- Easily befriended?
- Naïve to intentions or hidden messages?
- Overly friendly or overly familiar with most people?

#### **Do you:**

- Share personal problems?
- Have a trusting nature?
- Have a desire to help the underdog?

#### **Can you:**

- Be made to feel obligated?
- Be made to look the other way and pretend not to notice if the rule being violated is “no big thing?”

#### **Would you:**

- Go on a first name basis with an inmate?
- Congregate with inmates who praise you?
- Respect inmate requests for total confidentiality?

## **11. Recognize attempts to be manipulated by inmates.**

### **Signs of Manipulation :**

- Sympathy with staff problems
- Comments aimed at dividing staff
- Become an informant or “snitch” for a particular employee
- Over friendliness
- Excessive praise & compliments
- Excessive dependency

### **SCENARIOS:**

#### **What would you do if?**

1. An inmate says he has something extremely important to tell you; he mentions that you are the only officer he can trust, and that you must keep the information strictly confidential.
2. An inmate who is not assigned to your work area volunteers to clean up your area.
3. An inmate tells you he has a death in the family. He has no money to buy stamps. He has used up his quota of free letters and wants you to drop a sympathy card into the mailbox near your home.

## **12. Identify ways to avoid inmate manipulation.**

- Be part of the Correctional team.
- Be suspicious.

- Follow rules and procedures.
- Monitor remarks, gestures and actions.
- Don't be afraid to talk.
- Communicate with supervisors/fellow workers when you suspect a problem.
- Know your job and perform it properly.
- Learn about other employees' professions.
- Document incidents.
- Learn to say "no" and mean it.
- Never give or take anything from an inmate that is not job related.
- Address inmates by their correct name.
- Never discuss other staff with inmates.
- Never let your personal feeling become part of any conversation.
- Never give an inmate authority over another inmate.
- Be cautious. Do not be manipulated.

### **13. Identify principles of conduct that reflect positively on professionalism.**

**Honesty** - Be truthful in all endeavors; be honest and forthright when interacting with fellow employees, inmates, visitors, victims, and the public; challenges unethical behavior.

**Integrity** - Hold ourselves to the highest standard of moral, personal and professional conduct in an effort to advance the mission of the State, our profession and the Department. Be loyal to the Department's mission, goals and policies and to consider the mission when developing new systems or issuing directives to others.

**Respect** - Treat one another with dignity and fairness, appreciating the diversity of our workforce and the uniqueness of each individual with whom we come in contact. Harassment or discrimination is strictly prohibited. Harassment and/or discrimination based on race, color, religion, gender, age, national origin, political affiliation and/or disability is unacceptable and will not be tolerated in our workplace environment.

**Trust** - Establish credibility with others by being consistent and accountable, delivering on our promises and building a solid track record of reliability; and protect the integrity of private information to which we have access in the course of our official duties.

**Responsibility** - Be dependable and accountable for actions and to report concerns in the workplace including violations of laws, regulations and policies, and seek clarification whenever there is doubt.

**Citizenship** - Protect the public trust by upholding and obeying the laws of the United States, and the State of Florida to present a positive image of the department to others; to place the safety and security of the public at the forefront of our activities; and to understand and uphold the rights of victims.

**Safety** - Uphold the Department's Commitment to a drug-free, violence-free, safe and healthy working environment, to comply with all applicable environmental, health, and safety regulations; and to report violations of the same without fear of reprisal.

### **14. State penalties as defined in FS 944.35.**

### **Sexual Misconduct FS 944.35(3)(b)(2)**

Any employee of the department who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#)

### **Sexual Misconduct FS 944.35(3)(b)(3)**

The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

### **Sexual Misconduct FS 944.35(3)(c)**

Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. [110.227](#) for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

## **15. State policy of the Department of Corrections on employees who witness or can provide evidence of sexual misconduct as detailed in FS 944.35.**

### **Sexual Misconduct FS 944.35(3)(d)**

Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct pursuant to this subsection shall immediately prepare, date, and sign an independent report specifically describing the nature of the force used or the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The report shall be delivered to the inspector general of the department with a copy to be delivered to the warden of the institution or the regional administrator. The inspector general shall immediately conduct an appropriate investigation, and, if probable cause is determined that a violation of this subsection has occurred, the respective state attorney in the circuit in which the incident occurred shall be notified.

### **Sexual Misconduct FS 944.35(4)(a)**

Any employee required to report pursuant to this section who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

### **Sexual Misconduct FS 944.35(4)(b)**

Any person who knowingly or willfully submits inaccurate, incomplete, or untruthful information with regard to reports required in this section commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

## **16. State methods to prevent and avoid sexual misconduct.**

- Rotation of Staff
- Awareness of surroundings
- Support mechanisms
- Consistent discipline of violators
- Be familiar with *manipulation techniques*

- Dress and conduct yourself in a professional manner
- Just say “NO”
- Envision how you family members or supervisor would respond
- Don’t ignore inappropriate behavior based on age or position
- Avoid enabling behaviors
- Know your inmates
- Take action *early*

### **17. Define contraband as used in the Department’s Procedure Contraband.**

**Contraband**, refers to any item inside an institution or facility, on facility property, or in the possession of an inmate that meets the following criteria:

1. The item was neither:
  1. issued,
  2. approved for purchase in the canteen/commissary,
  3. purchased through an approved source with official approval,
  4. authorized or approved for delivery by mail, nor
  5. authorized and approved to be brought into the institution or facility
2. Any item or article not otherwise contraband will be considered contraband if it is passed from (1) inmate to another without approval; or
3. The item has been altered from its original design or is being used for a purpose other than that for which it was designed or authorized.

### **18. Identify how the Department prohibits contraband.**

- (a) No inmate will have in her/his possession or under her/his control any firearm or instrument that can be used or is designed to be used as a dangerous weapon or any explosive substance. Inmates may use tools and implements assigned to them by and under the supervision of authorized personnel.
- (b) No inmate or other person, unless authorized by the warden, assistant warden, facility director, chief of security, or shift supervisor will introduce into or upon the grounds of an institution or contract work release center any of the following articles designated as contraband:
  1. any intoxicating beverage;
  2. any narcotic, hypnotic or stimulant drug, or substance prohibited by law;
  3. any firearm or any instrument that can be used or is designed to be used as a dangerous weapon, except as authorized in “Entering and Exiting Department of Corrections Institutions,” Procedure 602.016;
  4. an instrument of any nature that may be used as an aid in effecting or attempting to effect an escape;
  5. any item showing signs, symbols, or other identifiers of a criminal street gang as defined in section 874.03, F.S., or any other gang, group or organization which has been identified by the department as a threat to the safety and security of the institution; or

6. any other article, instrument, or substance prohibited by the procedures and rules of the Department of Corrections or Florida law.
- (c) No inmate or other person will take any article from the grounds of any institution or contract work release center without approval from the following:
    1. warden;
    2. assistant warden;
    3. facility director;
    4. chief of security; or
    5. shift supervisor.
  - (d) No money will be given directly to or received by an inmate assigned to a work release center. The only exception is if approved by the chief of security/facility director or her/his designated representative. On a case-by-case basis, each chief of security/facility director may approve a withdrawal from the inmate's trust account that exceeds the approved amount normally authorized if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate that has not been drawn from the inmate's trust fund or that exceeds an amount approved in accordance with "Administration of the Inmate Trust Fund," Procedure 203.015, will be considered contraband. The money will be confiscated and deposited in the general revenue fund.
  - (e) In a facility where inmate identification cards are used to approve and initiate canteen transactions, any cash found in the possession of an inmate will be considered contraband. It will be deposited in the general revenue fund. An inmate identification card is contraband in the possession of anyone other than the inmate it identifies. Additionally, no inmate will be allowed to possess more than one (1) identification card. Additional identification cards found in the possession of an inmate will be treated as contraband.
  - (f) No inmate will make or have in her/his possession any alcoholic beverage or any drug such as a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant, or substance prohibited by law. The only exception to this is when authorized by authorized medical personnel.
  - (g) When medication is found in an inmate's possession that is beyond the labeled expiration date, for which the inmate does not have a valid prescription, or that is in quantities indicative of hoarding, the medication will be handled as contraband and turned over to the medical department for further disposition.
  - (h) Inmate legal materials and medical records in the possession of an inmate are subject to inspection for contraband. However, due to the sensitive nature of these items, staff will not read the documents. They are allowed to read the signature and letterhead. Staff is reminded that medical documents contain sensitive and confidential information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and will be handled accordingly.

## **19. Identify ways to find contraband.**

1. Searches/inspections will be performed to uncover contraband, prevent escapes, maintain sanitary standards, and to eliminate fire and safety hazards.
2. All cells, lockers, dormitories, and other areas of an institution may be searched in a reasonable manner at any time. At a minimum, twenty-five percent (25%) of all inmates' personal

property/living areas will be searched on a monthly basis and these searches will be conducted on all shifts. All searches will be documented on the "Search Log," DC6-2001.

3. During any building search/inspection, special attention will be paid to plumbing facilities, ventilation ducts, window and door areas, storage rooms, floor drains, beds, bedding, tables, chairs, lockers, and inmate property. The officer conducting the search must be alert to the possibility of such things as false bottoms, secret compartments, and hollow legs. All canteen items, books, cans, magazines, photo albums, trash containers, and sanitary supplies will be carefully inspected. This search should include anything that might be used to hide things.
4. Grounds and buildings outside the inner perimeter of the institution will be included in searches/inspections for contraband. Particular attention will be paid to areas routinely accessed by civilians or visitors. Metal detectors may be used for searching purposes.
5. Searches will be conducted on a routine but irregular basis. Searches will not be conducted at the same time and location each time to avoid predictability and to reduce the possibility of contraband being moved to avoid confiscation.

## **20. Explain the disposition of contraband.**

1. A secure area within the institution or facility will be designated as the storage area for all contraband items. A "Contraband Log," DC6-219, will be utilized to document the storage of contraband items.
2. All property confiscated during a search/inspection will be listed on an "Inmate Impounded Personal Property List," DC6-220.
3. The DC6-220 does not have to be given immediately for property taken during a mass shakedown as described in section (2)(k) above. However, the property taken will be preserved, and the area from which it was taken identified. The DC6-220 will be given as soon as possible after the emergency is over.
4. If no longer needed (e.g., for disciplinary proceedings or outside court case(s) as evidence), confiscated and/or unclaimed contraband will be disposed of, after thirty (30) days.
5. A seized contraband item that results in criminal charges will be stored for six (6) months or until the conclusion of the court proceedings. Confiscated weapons will be stored for six (6) months pending the outcome of disciplinary charges and conclusion of the grievance process or the court proceedings. Staff will obtain the approval of the warden or an assistant warden prior to the item being destroyed or disposed of.
6. Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate may appeal the action to have the property returned. S/he will do this through the grievance process.

## Objective Review for Inmate Relations Topics

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Answer the following questions by selecting the letter of the correct answer. There is only one correct answer for each question.

1. (1) Which of the following refers to the process used to provide administrative due process requirements for inmates charged with violating the rules of the Department?

- a. Disciplinary Report
- b. Disciplinary Hearing
- c. Disciplinary Team
- d. None of the above

2. (2) A verbal reprimand is considered any staff member's verbal counseling of or verbal intervention to the inmate designed to motivate the inmate to comply with, or clarify the rules of prohibited conduct, Departmental rules/procedures or institutional regulations.

- a. True
- b. False

3. (3) Each disciplinary report can contain multiple violations.

- a. True
- b. False

4. (4) A person will not serve as the Hearing Officer or as a member of the Disciplinary Team, or participate in the deliberations when they are:

- a. A witness or the person who wrote the charge
- b. The investigator assigned to a different case
- c. The person charged with reviewing all other reports
- d. None of the above

5. (5) No hearing will commence prior to twenty-four (24) hours following the delivery of the charges except when the inmate verbally waives the twenty-four (24) hour period.

- a. True
- b. False

6. (6) An inmate will be entitled to invoke the inmate grievance procedure regardless of any disciplinary, classification or other administrative action, or legislative decision to which an inmate may be subject.

- a. True
- b. False

7. (7) An inmate may file complaints regarding which of the following matters:

- a. Interpretation and application of state and federal laws and regulations whether or not they affect him/her personally.
- b. Any matter that affects other inmates.

- c. Substance, interpretation, and application of departmental procedures and rules that affect him/her personally.
- d. Incidents occurring within the institution that affect other inmates.

**8. (9) Addressing inmates by their correct name and never using abusive language are considered appropriate interactions between staff and inmates.**

- a. True
- b. False

**9. (15) An employee who witnesses, or has reasonable cause to suspect that an inmate under the supervision of the department has been unlawfully abused or is the subject of sexual misconduct pursuant to FS 944.35(3)(d) must file an accurate report with the department.**

- a. True
- b. False

**10. (20) Any item inside an institution or facility, on facility property, or in the possession of an inmate that was not issued or approved for purchase in the canteen is exempt from being considered contraband.**

- a. True
- b. False

## Health Topics

**Purpose: To ensure optimum health safety of all correctional employees through the awareness of health precautions, agency policies, procedures and guidelines.**

The first priority of the Florida Department of Corrections is to protect the public, staff and the inmate population. The health topics presented in this lesson plan are for all departmental staff, including contract staff. Health Topics is an overview of policies, procedures, and guidelines for Methicillin Resistant Staphylococcus Aureus (MRSA), Suicide Prevention, and Standard Precautions.

This block of instruction is not intended to cover all aspects involved in Health Topics therefore, it is important that you personally take the responsibility to become familiar with all departmental policies and procedures.

### Learning Objectives:

**Upon completion of this module, you will be able to:**

1. View the Florida Governor's Office of Drug Control's *Law Enforcement Suicide Prevention* video and the American Correctional Association's *The Hidden Killer: Hepatitis Awareness for Staff* video.
2. Define terminology associated with Health Topics.
3. Identify where Staphylococcus aureus is found.
4. Identify the differences between colonization and infection.
5. Identify the most important methods to prevent the spread of MRSA.
6. Identify the most common presentation of MRSA.
7. Identify some of the behavioral and physical warning signs of someone thinking about suicide.
8. Explain the referral procedures and communication between correctional and health care staff.
9. List the appropriate steps (to take) if a suicide attempt has taken place.
10. Identify and explain Hepatitis B (HBV), Hepatitis C (HCV) and Human Immunodeficiency (HIV) as blood-borne pathogens.
11. Identify the types of body fluids which standard precautions apply.
12. Describe the basic principles of standard precautions.
13. Note which body fluids may or may not contain enough of the virus to transmit HBV or HIV.
14. Identify the three primary modes of occupational transmission of HBV, HCV and HIV in the correctional setting.
15. Describe how to utilize personal protective equipment appropriately to minimize exposure to blood-borne pathogens.
16. Identify general recommendations to minimize occupational exposure.
17. Identify the Post-Exposure steps to take as soon as possible after an exposure.

1. View the Florida Governor's Office of Drug Control's *Law Enforcement Suicide Prevention* video and the American Correctional Association's *The Hidden Killer: Hepatitis Awareness for Staff* video.

All staff will view Florida Governor's Office of Drug Control's *Law Enforcement Suicide Prevention* video and the American Correctional Association's *The Hidden Killer: Hepatitis Awareness for Staff* video.

## 2. Define terminology associated with Health Topics.

**Attempted Suicide:** A self-harm act with conscious intent to die and that could easily result in death.

**Depression:** A mental condition that may include an inability to concentrate, insomnia, loss of appetite, feelings of worthlessness, hopelessness, helplessness, and guilt.

**Frustration:** Intense feelings of aggravation, irritation, dissatisfaction, and discouragement prompted by a perceived inability to satisfy one's needs or goals.

**Hepatitis B virus:** causes Hepatitis B. **It is a blood-borne pathogen** and is found in the blood and other body fluids that contain **visible** blood from infected individuals.

**Hepatitis C:** is a virus that causes liver disease.

**HIV (Human Immunodeficiency Virus):** is the causative agent for Acquired Immune Deficiency Syndrome (AIDS).

**Methicillin-resistant Staphylococcus Aureus (MRSA):** Methicillin-resistant Staphylococcus Aureus (MRSA) is a type of bacteria (Staphylococcus aureus) that is resistant to one or more antibiotics. These antibiotics include methicillin and other more common antibiotics such as oxacillin, penicillin and amoxicillin.

**Personal Protective Equipment (PPE):** gloves, masks, goggles, and other protective clothing.

**S-grade:** Refers to the mental health classification of inmates. The S grade is used to summarize and communicate the overall level of mental impairment. S-grades range from S-1 (no debilitating mental symptoms/impairment) to S-6 (very severe mental symptoms/impairment).

**Self-Harm:** Any act that may cause injury to self or suicide, regardless of intent.

**Self-harm Observation Status (SHOS):** a clinical status ordered by a physician, clinical associate, or advanced registered nurse practitioner (ARNP) that provides for safe housing and close monitoring of inmates who are determined to be suicidal or at risk for serious self-injurious behavior.

**Self-Injurious Behavior:** An act of self-harm that is at a level that is so low that it could not cause death. The lethality is low in that it is apparent there is no intention of dying.

**Serious Self-injurious Behavior:** Refers to an inmate's behavior that has or could have caused serious bodily harm.

**Situational Reactions:** Reaction to life stressors. Examples of such stressors would be death in the family, pending divorce, an unsuccessful court appeal, pending disciplinary action, or sexual assault.

**Standard precautions:** an approach to patient care meant to prevent the spread of blood-borne infections.

**Suicidal:** Refers to an inmate who has been assessed by her/his behavior and actions to be at risk for intentionally taking her/his life.

**Suicide:** The taking of one's life with conscious intent.

**Suicidal Ideation:** Having thoughts about killing oneself. It is possible that many people will have such thoughts at one time or another in their life.

**Suicidal Threat:** Verbal admission of suicidal intent. The question is whether there is a genuine threat that a suicide attempt will be made.

### **3. Identify where Staphylococcus aureus is found.**

Staphylococcus aureus is a common bacterium:

- found on the skin and in the nose of healthy persons
- may cause minor skin infections such as boils or more serious infections such as pneumonia and blood poisoning

Staph infections, including MRSA, are common causes of hospital-acquired infections, most frequently among persons in hospitals and healthcare facilities who have weakened immune systems.

### **4. Identify the differences between colonization and infection.**

People who have MRSA on their skin or mucous membranes without signs of infection are **colonized**.

MRSA **infection** shows symptoms of fever, warmth, redness of the area, pain, and/or high white blood cell count. Infections should be treated with an appropriate antibiotic, drainage of the area, if appropriate, and supportive medical therapy as needed.

### **5. Identify the most important methods to prevent the spread of MRSA.**

MRSA is transmitted by close skin-to-skin contact with an infected or colonized inmate or by contact with objects or surfaces contaminated with MRSA.

- **Careful hand washing is the single most effective way to control the spread of MRSA.** Health Services staff and Correctional Officers should wash their hands after contact with each inmate. Wash their hands scrupulously, preferably using antibacterial soap and disposable towels.
- Inmates must also wash their hands to avoid spreading the bacteria to others.
- **MRSA can survive on inanimate objects or surfaces such as linen, sinks, floors and even mops used for cleaning.** For this reason, areas should be thoroughly cleaned using an EPA approved disinfectants.
- Inmates with an infection will be evaluated by a clinician, and if more controlled measures are necessary, medical will order these and officers will be trained as needed.
- Never touch another person's wound or bandage, secretions or blood without using gloves. If it is wet, sticky and not yours don't touch it without gloves.

## **6. Identify the most common presentation of MRSA.**

Staph or MRSA infections in the community are usually manifested as skin infections, such as pimples and boils, and occur in otherwise healthy people. MRSA infections can cause a broad range of symptoms depending on the part of the body that is infected; which may include surgical wounds, burns, catheter sites, and eye, skin and blood infections.

Infection often results in redness, swelling and tenderness at the site of infection. **Sometimes, people may carry MRSA without having any symptoms.** Inmates will often complain of spider bites, insect bites, and infected pimples when it is really a MRSA skin infection. If the inmate complains of a spider bite, medical will want to see the spider involved.

## **7. Identify some of the behavioral and physical warning signs of someone thinking about suicide.**

**Depression is one of the most common mental disorders associated with suicidal gestures, suicidal attempts and completed suicides.** Many individuals suffering from depression have what is commonly known as tunnel vision. They concentrate on one negative aspect of their life and make it the most important thing or thought.

There are many situations that may contribute to possible suicide gestures, suicide attempts and suicide completion. We often don't realize that situational factors can influence suicide to the degree that they do. For example, many inmates receive news from home that is disturbing. They may become frustrated or distraught over their inability to control the situation—or for that matter, to control their own lives. Or, imagine the potential impact on the inmate when one of the following

happens: death of a family member, pending divorce, unsuccessful court appeal(s), sexual assault, placement in disciplinary confinement or close management, and any personal setback.

- inmate-or staff declared mental health emergency
- intentional self-injurious behavior or attempt
- threats or talk of wanting to hurt or kill self
- talking or writing about self-harm, death, dying or suicide
- looking for, making, or attempting to make ways to harm or kill self
- statements suggesting lack of hope or not wanting to live
- sudden marked change in inmate's behavior pattern for no apparent reason
- inmate appears to be confused about who s/he is, where s/he is, or the current month or year
- giving away significant personal possessions for no apparent reason
- statements that suggest the inmate may be experiencing unusual sensations such as seeing and/or hearing someone telling the inmate to harm her/himself that others around her/him do not perceive
- statements that suggest the inmate may be at risk for self-harm as a result of holding apparently false beliefs such as having special powers or abilities, being God, or unrealistic threats to her/himself (being poisoned, being hunted by spies, etc.)
- a change in behavior or statements that suggest the inmate may be at risk for self-harm such as unusual or odd behavior (e.g., nonsense speech, persistent staring at walls, persistent inability to sleep, crying, marked forgetfulness, or an apparent inability to respond when spoken to)
- an abrupt change in the inmate's weight or hygiene for no apparent reason and/or
- any other behavior or statements that lead a staff member to believe that the inmate is in need of emergent mental health care

## **8. Explain the referral procedures and communication between correctional and health care staff.**

All staff share responsibility for preventing serious self-injurious behavior and suicide in terms of recognizing and immediately reporting warning signs. Understanding the referral procedures and communication between correctional and health care staff is crucial in effectively managing potential suicide crises.

**Only the most immediate staff actions extracted from the procedure is noted here:**

### **Imminent Risk**

- "Security staff will immediately notify the control room and document notification on the "Housing Unit Log," DC6-209. The notifying staff member will provide the control room with the following information: a) inmate's name and DC number, b) location, and c) nature of emergency.
- Security staff will provide appropriate first-aid (if necessary) and maintain continuous observation of the inmate.
- The notifying staff member will maintain contact with the control room until s/he receives verbal acknowledgment of the reported emergency.

- The control room staff will notify the shift supervisor and health services staff verbally via telephone, and document notification on the “Control Room Log,” DC6-207...”

## **9. List the appropriate steps (to take) if a suicide attempt has taken place.**

### **General Post Order #1 (Excerpt) – 06-20-2007:**

32. All security staff are to adhere to the following general instructions in emergency situations wherein potentially life threatening conditions are observed to directly involve an inmate or inmates under your supervision.
- a) Should an inmate be observed to be unresponsive to verbal efforts to communicate with him/her but there are no evident signs of significant injury or illness such as labored breathing, discoloration of skin, significant bleeding, etc., you should :
1. Immediately request medical and additional security staff assistance by radio or telephone (if immediately accessible);
  2. **Carefully, but quickly assess the situation** and the area in which it is occurring to determine if there is any indication that this situation is diversionary or a ploy/hoax which could pose a risk to yourself or facility security;
  3. **During the timeframe pending the arrival of assistance you should:**
    - i. **For a situation occurring in an open barracks style housing unit, unsecured room or in a celled general population unit**, immediately secure the area as much as possible to stop the influx of inmates coming into the dormitory/situation, move any inmates present to another area in the dormitory or have them all sit on their assigned bed, render the appropriate first responder assessment and indicated intervention in accordance with the training provided by the department in this area.
    - ii. **For a situation occurring in a secure celled segregation/special housing unit of any type**, immediately secure the area by insuring that all other inmates in the area are confined to their cells and that the second inmate in the cell (if applicable) is restrained appropriately. Await the arrival of assistance prior to entering the cell to provide first responder assessment and care as necessary. Note that spontaneous use of chemical agents may be appropriate to stop an inmate from causing further harm to self or others, i.e.
    - iii. inmate may have cut him/herself and verbal efforts to de-escalate have been unsuccessful.

### **What to do when:**

- b) **Should an inmate be unresponsive to verbal direction** and observed to be bleeding heavily or if a significant amount of blood is evident in the living area; exhibiting clear signs of labored/difficult breathing, discolored skin, etc.; or is observed to be in imminent danger either from self-injury, e.g., ligature around neck, razor blade with prior cuts evident etc., or from fire and/or smoke in the living area/cell, or attack from other inmate (cellmate) you should:
1. **Immediately initiate an emergency response request for both medical and additional security staff assistance (A-Team response)** by the most expedient means available to include by radio or alternately by utilizing the personal body alarm. The emergency telephone number may be utilized if a telephone is immediately available. In such

critical, potentially life threatening situations as those described above response time is crucial and may determine a life or death outcome.

2. You should **carefully, but quickly** assess the situation and the area in which it is occurring to **verify the urgency and to identify any potential threats to your safety or facility security should you respond to render aid immediately**. You should consider the possibility that this may be diversionary or a ploy/hoax. This assessment is critical, but in light of the circumstances, it must be quickly accomplished.
  3. **During the timeframe pending the arrival of assistance you should:**
    - a. For such situations occurring in an open barracks style housing unit, unsecured room or in a celled general population unit, immediately secure the area as much as possible to stop the influx of inmates coming into the dormitory/situation and move any inmates present to another area in the dormitory or have them all sit on their assigned bed. **At this point provide first responder assistance for medical issues and/or utilize approved force options** including chemical agents as appropriate in accordance with the department's use of force policies to intervene in self injury and/or assaultive situations when this can be safely done without an unacceptable risk to yourself or facility security.
    - b. **For a situation occurring in a secure celled segregation/special housing unit of any type**, immediately secure the area by insuring that all other inmates in the area are confined to their cells and that the second inmate in the cell (if applicable) is restrained appropriately. Chemical agents may be administered in instances of continuing self injurious or assaultive behavior in accordance with the department's use of force policies. Maintain constant observation of the inmate(s) in the cell after the area has been secured and carefully monitor the situation. If in your determination the situation becomes sufficiently critical and life threatening, you should intervene prior to the arrival of assistance if in your opinion this can be safely done without an unacceptable safety risk to yourself or facility security.
- Give Basic First Responder, to include maintaining an open airway
  - If no pulse, start CPR.
  - If wrists or trunk are cut, treat the person for shock, control the bleeding with direct pressure, and do not leave the person alone at any time.
  - Assure the suicidal person that you are there to help them not hurt them.
  - Handle the situation as quickly as possible.
  - Use the least amount of force necessary to ensure staff and suicidal person are not harmed.
  - Never let the inmate out of your sight.

## **10. Identify and explain Hepatitis B (HBV), Hepatitis C (HCV) and Human Immunodeficiency (HIV) as blood-borne pathogens.**

### **Hepatitis B (HBV)**

- Hepatitis B virus causes Hepatitis B. It is a blood-borne pathogen and is found in the blood and other body fluids that contain visible blood from infected individuals.

### **Symptoms of Hepatitis B**

- Hepatitis B is an inflammation of the liver. It is caused by infection with the Hepatitis B virus. The incubation period varies from six (6) weeks to six (6) months (occasionally longer). Symptoms can range from a minor flu-like syndrome to severe liver damage and even death or there may be no symptoms.
- Individuals with chronic Hepatitis B are frequently unable to continue working due to the disabling long-term effects of the disease.
- Some HBV carriers are infectious for life. This means they can transmit the disease to others, while at the same time not experiencing symptoms themselves.

### **Transmitting Hepatitis B**

- Outside of the occupational setting, HBV is transmitted primarily by sexual contact (either heterosexual or homosexual) or by sharing contaminated needles (such as intravenous drug abuse). You can also get HBV from receiving infected blood in a transfusion. Now, all donated blood is tested for HBC, HCV, and HIV; and the risk of infection from a blood transfusion are extremely low.
- A safe and effective vaccine to prevent Hepatitis B has been available since 1982.

### **Hepatitis C (HCV)**

HCV (Hepatitis C) is a virus that causes liver disease. HCV is spread by contact with the blood of an infected person. HCV is the country's most common blood-borne disease, infecting at least 2 out of every 100 persons. There is no cure.

- Corrections staff are among those at high risk for infection because their work may put them in contact with blood, blood products, or needles. The estimated prevalence of hepatitis C in state and federal correctional facilities ranges from 16 to 49% (HEPP Report, *Infectious Diseases in Corrections*, June 2004, Vol. 7, Issue 6).

### **Symptoms of Hepatitis C**

- Most people who contract Hepatitis C have no recognizable signs or symptoms. You can feel and appear perfectly healthy, yet still be infected with the disease-- and able to infect others. However, some people do experience flu-like symptoms.

### **Transmitting of Hepatitis C**

HCV is spread by contact with contaminated blood, which can be blood to blood contact, blood to broken skin contact or blood to mucous membrane contact. It can be spread through unsafe sex with multiple partners, although transmission through sex is rare. Intravenous drug users, hemophiliacs or those with tattoos, body piercing or blood transfusion (prior to 1990) and those in close contacts with an infected person are at a higher risk of being infected.

- It cannot pass through unbroken skin or through the air like common cold or flu germs. It cannot be passed through ordinary social contact such as sneezing, coughing, shaking hands, drinking from the same glass or sharing eating utensils.
- There is no vaccine to prevent Hepatitis C. There are several blood tests that can be done to determine if you have been infected with HCV.

### **Human Immunodeficiency Virus (HIV)**

- HIV (Human Immunodeficiency Virus) is the causative agent for Acquired Immune Deficiency Syndrome (AIDS). It is spread primarily by sex (heterosexual or homosexual) with an infected individual, by intravenous (I.V.) drug users who share contaminated needles, from infected mother

to unborn child, and from contact (such as, parenteral, needle stick, etc.) with blood, certain body fluids and tissue from an infected individual.

### **Symptoms of HIV**

- Once the virus (HIV) that causes AIDS enters your body, the infected individual is a carrier for the rest of his/her life and is able to transmit the infection to others. The immune system is the body's natural defense mechanism against disease.
- HIV infection is a chronic condition. That is, it is a long-term illness that attacks the immune system. The immune system is the body's natural defense mechanism against disease.
- At this time, it is thought that virtually everyone who becomes infected with HIV will eventually get AIDS. Despite continuing improvement in treatment and drug therapies, AIDS is eventually fatal for most of those who are infected. When an individual is infected with HIV there may be no symptoms initially or a mild flu-like syndrome may be noted. An infected individual may go many years without any obvious symptoms to suggest infection has occurred.
- Early symptoms of HIV infection include:
  - Swollen glands (neck, underarm, groin)
  - Low-grade fever, recurrent "night sweats"
  - General malaise (fatigue)
  - Recurrent diarrhea
  - Significant weight loss without dieting or increased exercise
  - White spots or sores inside the mouth
  - Certain skin conditions and rashes

### **Transmitting HIV**

- The great majority of cases of AIDS have involved men who engaged in homosexual or bisexual activities or individuals who shared contaminated needles (I.V. drug abusers). Individuals with a history of many sexual partners and/or a history of sexually transmitted diseases are also at an increased risk of HIV infection.
- Some individuals who received blood or blood products from the late 1970's to early 1985 also became infected from blood transfusions. As mentioned earlier, this is much less likely today since all blood donors are carefully screened and all donated blood is tested before use.

An effective vaccine to prevent HBV infection exists. There is no such vaccine to prevent HIV or HCV infection at this time. Thus, it is vital that individuals take all reasonable precautions to avoid HIV infection.

## **11. Identify the types of body fluids which standard precautions apply.**

Standard precautions **APPLY** to the following :

- Blood
- All body fluids, secretions and excretions except sweat, regardless of whether they contain visible blood
- Non-intact skin
- Mucous membranes

## 12. Describe the basic principles of standard precautions.

Basic principles of **Standard Precautions** include:

- Treat all human blood, any bodily fluid containing blood, and any other potentially infectious body fluid (see list) as infectious for blood-borne pathogens.
- Treat all used needles and other sharp objects as if they are contaminated and able to infect you if you are injured.

## 13. Note which body fluids may or may not contain enough of the virus to transmit HBV or HIV.

Body fluids that **may** contain enough of the virus to transmit HBV or HIV include:

- Blood
- Body fluids that contain blood
- Body fluids where it is difficult or impossible to differentiate what type of fluid is present
- Semen
- Vaginal secretions
- Fluid from around an unborn baby
- Fluid from spine, lungs or joints

Body fluids which **may not** contain enough of HIV or HBV virus to lead to infection include:

- Urine
- Feces
- Saliva
- Sputum
- Vomit
- Tears
- Sweat
- Nasal secretions

**Note:** Correctional staff needs to understand that this applies only to blood-borne pathogens. Other disease(s) can be spread by most of these fluids. Use of Standard Precautions is in place to prevent the spread of other pathogens.

## 14. Identify the three primary modes of occupational transmission of HBV, HCV and HIV in the correctional setting.

**Puncture wounds** - physical injury caused by contaminated needles or other sharps (such as, knives, shanks, razors, broken glass, etc.).

**Mucous membrane contact** - this occurs when blood or **Other Potentially Infectious Material** (OPIM) comes into contact and gains entrance into your body through the mucous membranes lining your mouth, nose, eyes, anus or vagina.

**Non-intact skin contact with blood/OPIM** - HBV and HIV can be transmitted when these fluids come in contact with non-intact skin (such as, injuries, cuts, scrapes, burns, sunburn with blistering, rashes and other skin irritations, chapped hands, psoriasis, damaged skin around fingernails, etc.).

## **15. Describe how to utilize personal protective equipment appropriately to minimize exposure to blood-borne pathogens.**

One of the most important aspects of this training is to provide you with information that enables you to recognize situations where your potential exposures in the occupational setting are likely to occur and what types of personal protective equipment (PPE) are indicated to protect you from those exposures.

### **Gloves:**

- usually non-sterile latex or vinyl-sterile gloves are generally utilized only in healthcare or laboratory settings.
- Purpose - are designed to minimize skin contact with blood/OPIM. They should always be worn when there is a reasonable expectation that contact with blood/OPIM may occur.
- Use gloves if you have skin contact with offenders who are bleeding or have open sores, rashes, blisters, burns, or other broken skin conditions.
- Use gloves if you have any open cuts, sores, burns, rashes or other broken skin conditions on your hands when you may come in contact with blood or other materials to which universal precautions apply.
- Use gloves if you are cleaning and decontaminating spills of blood/OPIM.  
Use gloves if you are handling containers (such as, red bags, yellow bags) labeled Biohazards or Biomedical Waste.
- Use gloves if you are handling soiled linen that is contaminated with blood/OPIM.

### **Respirators, facemasks and other resuscitation devices:**

- Equipment such as respirators, facemasks and other resuscitation devices, such as Ambu-bags that are utilized in cardiopulmonary resuscitation (CPR) may be disposable or multi-use.
- Purpose - Correctional personnel are concerned about the infection risks of HBV, HCV and HIV while performing CPR. Although there have been no documented cases of HIV transmission through this mechanism, other infectious diseases could possibly be transmitted from performing CPR. The presence of blood or open sores in the mouth increases risk of transmission.
- Resuscitation devices with one-way valves designed to prevent the patient's saliva or vomit from entering the caregiver's mouth are available at Officer Stations in all inmate-housing units.
- Most of the resuscitation devices in the Department of Corrections are disposable
- They are discarded after use. Multi-use devices must be cleaned and disinfected prior to storage and reuse.
- As part of this Common Task in-service, you will demonstrate proficiency in the use of PPEs.

### **General Protective Measures for Correctional Staff:**

- Contaminated disposable resuscitation devices will be discarded after use.

- Wear gloves if you are handling resuscitation devices contaminated with blood/OPIM.
- Place the contaminated multi-use resuscitation device carefully in a plastic bag. Avoid contaminating outside of bag. Place a "Biohazard" sticker on the bag. If a red "Biohazard" bag is utilized, a Biohazard sticker is not necessary.
- Contact the Medical Unit for pick-up, cleaning and disinfecting of the contaminated multi-use resuscitation device.
- Another resuscitation device must be made available until the contaminated one has been properly decontaminated and returned.
- At the Medical Unit, the device will be carefully washed with warm water and soap to remove physical debris. Avoid splashing. Wear eye protection.
- Next, the cleaned resuscitation device will be disinfected with a disinfectant labeled "tuberculocidal at use dilutions" or a fresh 1:10 bleach (liquid sodium hypochlorite) solution. Follow label guidelines for the specific disinfectant "in-use" at your facility.

**Face Masks** - usually paper composite, fiber or cloth - almost always disposable.

- Purpose - Facemasks serve as a barrier to prevent blood and OPIM from coming into contact with the linings of the nose and mouth.
- Facemasks should be worn if there is a reasonable expectation that blood/OPIM could spill, splash, or spray into the nose or mouth.
- Facemasks will be available in Officer Stations in all inmate-housing areas.
- It should be recognized that facemasks are not necessary on a routine basis. Only those circumstances where there is an expectation of blood/OPIM splashing or spraying into the face will require the use of masks.
- In the event of a large blood spill, an employee assigned to clean up the area will need a facemask if the potential for splashing exists. Inmates tasked with clean-up of large blood/OPIM spills will likewise need a face mask if splashing potential exists.
- Obviously, the amount of care one exercises in the accomplishment of this task will influence the likelihood of splashing

**Protective eyewear** - goggles or various types of face shields; usually constructed of shatter-resistant plastics, usually multi-use, will require cleaning and disinfecting when they are contaminated.

- Purpose - Protective eyewear is designed to serve as a barrier between the outer surfaces of the eyes and blood/OPIM. Protective eyewear use is indicated whenever there is reasonable expectation that blood/OPIM could be splashed, sprayed, thrown, or splattered into the eyes. A risk situation requiring protective eyewear would also require face masks. Note: Some face shield designs may provide eye, nose and mouth protection simultaneously.
- Protective eyewear will be available in Officer Stations in all inmate-housing units.
- Officers will utilize eye and facemask protection when there is a reasonable expectation that blood/OPIM could be splashed, sprayed, thrown or splattered into the eyes.
- Multi-use protective eyewear contaminated with blood/OPIM will be cleaned and disinfected prior to storage and reuse.
- Gloves will be worn while cleaning and handling contaminated protective eyewear.
- Contaminated goggles and multi-use face shields will be cleaned in warm water and detergent to remove visible debris.
- They will then be disinfected with a disinfectant labeled "tuberculocidal at use dilutions" or a fresh 1:10 solution of bleach (liquid sodium hypochlorite). Follow the specific label instructions of the disinfectant "in-use" at your facility.

- Correctional Officers who utilize the multi-use protective eyewear will be responsible for cleaning, disinfection and storage of this equipment.

**Protective Clothing** - for Correctional Officer use protective clothing is usually single-use and disposable. This clothing is used when significant contamination of clothing by blood/OPIM is anticipated.

- Purpose - Protective clothing serves as a barrier to prevent clothing and skin contact with blood/OPIM.
- Protective clothing is available at each facility. Appropriate sizes will be available. Correctional Officers will be informed of storage locations and access procedures.
- It is recognized that protective clothing may be necessary in certain situations such as difficult cell extractions involving large amounts of blood, OPIM or body wastes contaminated with blood/OPIM. However, it is further noted that **most situations and tasks will not routinely require protective clothing.**

## **16. Identify general recommendations to minimize occupational exposure.**

1. Cover any cuts, scrapes, burns, sores or other broken skin conditions on the exposed portions of your face, neck, arms and hands with suitable band-aids or bandages. This may help protect these injuries from blood/ OPIM splashes.
2. Wash your hands routinely during your work shift and always:
  - after removing gloves or other PPE
  - before eating, drinking, smoking, or applying cosmetics
  - after using the restroom
  - after contact with blood/OPIM, and
  - when you leave the facility at the end of your shift
3. Change your clothing as soon as possible after significant contamination with blood/OPIM. Wash thoroughly with soap and water any contaminated skin areas. In situations where significant contamination of clothing and skin has occurred, a shower with soap and warm water is indicated.
4. If you are HIV infected or you are undergoing any medical treatment, which might affect your immune system, contact your personal physician for any additional recommendations to protect your health.
5. Lastly, avoid risk behaviors in your personal life, which would expose you to HBV, HCV or HIV. These behaviors were discussed earlier in this training session.

## **17. Identify the Post-Exposure steps to take as soon as possible after an exposure.**

Follow these steps as soon as it is feasible should any of the exposures occur to you:

- Remove contaminated clothing.
- Flush eyes, mouth with clean, potable water (as necessary).
- Wash injury (as appropriate) with warm soap and water.
- If bitten, wash injury with soap and warm water, "milk" bite by applying pressure to encourage bleeding.
- Report injury to your supervisor and get medical assistance.

**As an employee of the Department, you are entitled to other services:**

- Testing to determine your past or current HBV and HIV infectious status,
- Post-exposure HBV vaccination even if you had previously refused it,
- Free medical advice concerning infection risks,
- **Complete privacy of your medical records** and,
- Follow-up treatment including administration of anti-retroviral medications if indicated and medical counseling as necessary.

**If you are exposed during an incident you will need specific information:**

- Circumstances of the exposure (i.e. time, amount of blood/OPIM, etc.),
- Type of PPE used - if none was utilized, the reasons for non-utilization must be documented.

**The form DC4 -798, Exposure Screening form is utilized to document this information.** It is important that this documentation is completed. Medical personnel can assist you in the completion of the form.

**NOTE:** After an exposure incident, you have specific rights to free medical assessment and treatment.

Submit a **Notice of Injury** report immediately.

## Objective Review for Health Topics

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Answer the following questions by selecting the letter of the correct answer. There is only one correct answer for each question.

**1. Which of the following best describes Methicillin Resistant Staphylococcus Aureus (MRSA)?**

- a. MRSA is a new type of bacteria.
- b. MRSA is a type of bacteria that is resistant to methicillin and other common antibiotics.
- c. MRSA is a virus and cannot be treated with antibiotics.
- d. None of the above

**2. Which of the following statements are behavioral and/or physical warning signs of someone thinking about suicide?**

- a. Hiding all their possessions from everyone.
- b. Statements suggesting lack of hope or not wanting to live
- c. Gradual change in inmate's weight
- d. Both b and c.

**3. All staff share responsibility for preventing serious self-injurious behavior and suicide in terms of recognizing and immediately reporting warning signs.**

- a. True
- b. False

**4. Standard precautions apply to which of the following body fluids?**

- a. Non-intact skin
- b. Tissue from the body or any body fluid visibly contaminated with blood
- c. Mucous membranes
- d. All of the above

**5. Which of the following constitutes a potential exposure to a blood-borne pathogen?**

- a. Feces or urine without visible blood
- b. Puncture Wounds – physical injury caused by contaminated needles or other sharp objects (knives, shanks, razors, broken glass etc.)
- c. Non-intact skin contact with blood or other potentially infectious material
- d. Both b and c

**6. Personal Protective Equipment (PPE) in the correctional setting is utilized principally:**

- a. Because it is mandated by Federal and state regulations
- b. To minimize exposure to blood-borne pathogens
- c. As a barrier technique to prevent blood or other OPIM from coming into contact with skin or mucous membrane
- d. All of the above

## Legal Topics

### **Purpose:**

These topics are for all departmental staff. Legal Topics is an overview of policies, procedures, and guidelines for Equal Employment Opportunity (EEO), Ethics, Health Insurance Portability Accountability Act (HIPAA), Public Records Law, Right to Know, The Prison Rape Elimination Act of 2003 (PREA) and Religious Freedom.

This block of instruction is not intended to cover all aspects involved with Legal Topics therefore, it is important to personally become familiar with all departmental policies and procedures.

### **Learning Objectives:**

**Upon completion of this block of instruction, you will be able to:**

1. Define the terms associated with Legal Topics.
2. Describe the Department's EEO Policy and identify who is protected from discrimination.
3. Identify the specific types of discrimination as defined by applicable federal and state laws and the procedures for filing such a complaint.
4. Identify how and why sexual harassment is part of the department's EEO Policy, and what specifically does and does not constitute sexual harassment.
5. Identify what management must do once an employee has informed them that sexual harassment has occurred.
6. Describe what constitutes illegal retaliation.
7. Describe harassment and "hostile work environment".
8. Identify the purpose and major components of the Department's "Code of Ethics".
9. Identify the five parts of the Department of Corrections "Code of Conduct".
10. Identify which entities are responsible for administering the Department's Ethics Policy.
11. Explain the purpose of HIPAA and why it is important.
12. Identify the consequences if a Department employee does not keep inmate or offender health information confidential.
13. Explain what is and is not Protected Health Information (PHI).
14. State the primary intent of the Prison Rape Elimination Act (PREA), to whom the Act applies, and its purposes.
15. Describe the role of the Review Panel on Prison Rape established within the Department of Justice.
16. Identify the role of the National Institute of Corrections (NIC) in regards to PREA.
17. List the three primary objectives of Procedure 108.010 *Prison Rape: Prevention, Elimination and Investigation*.
18. Describe the procedures for reporting incidents and/or allegations of prison rape.
19. Identify who is primarily responsible for processing and responding to public records requests.
20. Explain how requests for access to public records from the public should be handled.
21. State whether inmates have unlimited or routine access to information in records of the Department of Corrections.
22. List some examples of confidential and exempt records.
23. Identify who must comply with the Occupational Safety & Health Administration (OSHA) Standard 1910.1200, *Hazard Communication* and the Department's "Hazard Communication Program".

- 24.** Identify what instructions are required regarding toxic substances found in the workplace under the OSHA Standard and the Department's Program.
- 25.** Identify who to contact if additional information is needed in the Department of Corrections.
- 26.** Explain the purpose of the Florida Public Employer Whistleblower Act.
- 27.** Identify the elements of Florida Statute 761.03.
- 28.** Identify religion related rights of inmates the courts have upheld.
- 29.** Recall facts related to inmates in regards to religion.

## **1. Define the terms associated with Legal Topics.**

**Carnal Knowledge:** means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

**Confidential Records:** records that are not subject to inspection or copying by the public and may be released only to those persons or entities specifically designated by statute, court order, or written authorization.

**EEO:** Equal Employment Opportunity. Each employee or applicant for employment has an equal opportunity in agency practices relating to recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, and other employment practices.

**Exempt Records:** records that are not subject to inspection by the public, but may be disclosed at the discretion of the Florida Department of Corrections.

**Exercise of religion:** means an act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

**HIPAA:** Health Insurance Portability and Accountability Act. The original purpose of the Act was to make health insurance more “portable” so that workers could take their health insurance with them when they moved from one job to another, without losing health coverage.

**HIV:** Human Immunodeficiency Virus.

**Jail:** a confinement facility of a federal, state, or local law enforcement agency to hold –

- a. Persons pending adjudication of criminal charges; or
- b. Persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

**Material Safety Data Sheet (MSDS):** is a document containing information about the properties and hazards of a toxic substance. The information will include the chemical identity of the substance, the physical and chemical properties, physical and health hazards, the means by which the chemical may gain access to the body, safe handling and use, emergency and first aid procedures, and control measures.

**Oral Sodomy:** contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

**Police Lockup:** a temporary holding facility of a federal, state, or local law enforcement agency to hold –

- a. inmates pending bail or transport to jail;
- b. inebriates until ready for release; or
- c. juveniles pending parental custody or shelter placement.

**Prison:** any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes –

- a. any local jail or police lockup; and
- b. any juvenile facility used for the custody or care of juvenile inmates.

**Prison Rape:** the rape of an inmate in the actual or constructive control of prison officials.

**Public Records:** all documents, maps, books, photographs, film, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by the Florida Department of Corrections.

**Public Records Requests:** a request for any public records in the custody of the Florida Department of Corrections. A request may be submitted as a “Chapter 119 request,” a request under the Government-in-the-Sunshine Law, a request under the Freedom of Information Act, or a request for records maintained by the department. However, it should not be confused with a subpoena for records, which is not a public records request and is to be handled in accordance with “Subpoenas, Discovery Requests and Notices of Taking Deposition,” Procedure 102.003.

**Rape:** means -

- a. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person’s will;
- b. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or
- c. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

**Sexual Battery:** refers to the “non-consensual” carnal knowledge, oral sodomy, sexual battery with an object, or sexual fondling of a person:

- a. forcibly or against that person’s will; or
- b. not forcibly or against the person’s will where the victim is incapable of giving consent because of her/his youth or her/his temporary, or permanent mental or physical incapacity; or
- c. achieved though the exploitation of the fear or threat of physical violence or bodily injury.

**Sexual Assault with an Object:** the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

**Sexual Fondling:** means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

**Sexual Harassment:** is a form of sex discrimination in violation of Title VII of the Civil Rights Act of 1964.

**Toxic Substance:** is any chemical substance or mixture in a gaseous, liquid, or solid state that:

- Is manufactured, produced, used, applied, or stored in the workplace.
- Causes a significant risk to safety and health during or as a result of, any normal handling or use.

## **2. Describe the Department’s EEO Policy and identify who is protected from discrimination.**

It is the policy of the Department of Corrections to ensure that each employee or applicant for employment has an equal opportunity in agency practices relating to recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, and other employment practices.

The department is also committed to a balanced, diverse workforce. Therefore, applicants for employment receive the same protection against discrimination as do employees.

All employees and applicants for employment are protected by the department's policy, as well as by Title VII of the Civil Rights Act of 1964 and the Florida Civil Rights Act of 1992, from any form of discrimination based on their race, color, sex, national origin, religion, age, disability, or marital status.

### **3. Identify the specific types of discrimination as defined by applicable federal and state laws and the procedures for filing such a complaint.**

#### **The following are specific types of discrimination:**

- **Race and Color Discrimination**
- **Sex Discrimination**
- **Discrimination on the basis of pregnancy**
- **National Origin Discrimination**
- **Age Discrimination**
- **Religious Discrimination**
- **Disability Discrimination**
- **Marital Status Discrimination**

Title VII of the Civil Rights Act of 1964 allows individuals to file complaints of alleged discrimination through the U. S. Equal Employment Opportunity Commission (EEOC) or the U. S. Department of Justice. Intake professionals generally discuss the issues surrounding the complaint with the individual and, based upon the issues presented, may advise the complainant that they do not rise to the level of illegal discrimination. However, the law permits a complainant to file regardless of the potential merits of the allegations. Any charge of alleged discrimination filed through EEOC must be filed within 300 days of the date of the most recent incident of discrimination.

- The Florida Civil Rights Act of 1992 allows individuals to file a charge with the Florida Commission on Human Relations (FCHR). All charges filed through FCHR must be filed within 365 days of the date of the most recent incident of discrimination. This law also allows individuals to file charges based on marital status discrimination.
- The Department of Corrections' internal complaint procedure allows employees to file a charge within 365 days of the date of the most recent incident of alleged discrimination. The department's procedure includes the bases of discrimination of both Title VII and the Florida Civil Rights Act.
- Information regarding the department's internal complaint procedure may be obtained from the employee's servicing personnel office or from the Supervisor, Employee Relations Section, Bureau of Personnel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- Employees may also file a complaint through the Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, or the U.S. Equal Employment Opportunity Commission, Miami District Office, One Biscayne Tower, Suite 2700, Two South Biscayne Boulevard, Miami, Florida 33131.

It is crucial for department employees to follow proper procedures when addressing issues of alleged discrimination. These procedures are designed to protect any employee making such a complaint and to ensure that his or her issues are handled properly and confidentially. Therefore, an employee must file his or her complaint through the appropriate intake officer in the employee's servicing personnel office or directly with EEOC or FCHR.

**Complaints of alleged discrimination must not be addressed by a memorandum or incident report submitted to a supervisor. Additionally, employees cannot complain to coworkers or supervisors regarding alleged discrimination and thus claim they have filed a legitimate charge.** Again, recent 11<sup>th</sup> Circuit case law is very clear on this issue: an employee's failure to use a well-documented and easily available departmental complaint procedure generally results in dismissal of the charge should the employee file a civil suit. **It is equally important that supervisors understand that whenever an employee raises issues of discrimination, they are required to direct the employee immediately to his or her servicing personnel office.**

It is not the supervisor's responsibility to investigate such a complaint, nor is s/he qualified to do so. Intake officers in the servicing personnel offices or with EEOC and FCHR are specifically trained to handle such complaints, and to advise employees of their rights in this regard.

#### **4. Identify how and why sexual harassment is part of the department's EEO Policy, and what specifically does and does not constitute sexual harassment.**

In general, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects the terms and conditions of an individual's employment, unreasonably interferes with his or her work performance, or creates an intimidating, hostile, or offensive work environment that is severe and pervasive.

Employees must understand not only what constitutes sexual harassment but also what actions do not rise to the level of illegal discrimination based on sex. For example, the occasional remark or joke of a sexual nature, or one or two requests for dates are not sexual harassment, nor do these types of actions constitute a hostile work environment. As recent 11<sup>th</sup> Circuit Court of Appeals case law has stated, Title VII is not "a general civility code." Further, employees must understand that in order to be actionable, sexual harassment must be severe and pervasive enough that a reasonable person would consider the actions to be unwarranted and a detriment to his or her job. Under these circumstances, employees should realize that not every instance or instances of sex-related behavior warrants a formal complaint, nor is it sexual harassment as defined by the law.

#### **5. Identify what management must do once an employee has informed them that sexual harassment has occurred.**

Management is **required** to take any complaint of sexual harassment seriously and give it immediate attention.

Once an employee has informed management that sexual harassment has occurred, the manager must **immediately** have the employee report the matter to the appropriate intake officer in the servicing personnel office.

If an employee states s/he does not want to file a complaint, management **must** nevertheless report the matter to the appropriate intake officer in the servicing personnel office.

Management should be alert and sensitive to potential sexual harassment or offensive behavior within the workplace.

## **6. Describe what constitutes illegal retaliation.**

Title VII prohibits any adverse employment action being taken against an employee who has participated in a statutorily protected activity. These activities include filing a complaint of discrimination, providing testimony with regard to a complaint of discrimination filed by another individual, or who have stated his or her opposition to alleged discriminatory practices.

However, the law does not extend this protection to employees who have filed grievances through the collective bargaining or other grievance procedure, nor to employees who have complained about issues that do not concern illegal discrimination.

Because the issue of retaliation is frequently raised, the courts have found it necessary to interpret the statute in two major ways. First, to prove retaliation, an employee must show that s/he participated in a statutorily protected activity and then, solely because of that activity, suffered an adverse employment action. The courts have agreed that there must be a close connection between the two actions to prove retaliation, and have generally settled that the time frame is generally two months or less. Therefore, an employee whose protected activity occurred in March 2001, for example, cannot legitimately claim retaliation for an alleged adverse action occurring in June 2002. In general, however, the anti-discrimination provision of Title VII is interpreted broadly to include employer actions that might have dissuaded a reasonable worker from making or supporting a change of discrimination.

## **7. Describe harassment and “hostile work environment”.**

Federal and state statutes prohibit harassment based on an individual’s protected class status. Under Title VII, employees have the right to a working environment free from any form of harassment. Harassment is actionable when it creates an intimidating, hostile, or offensive working environment that unreasonably interferes with an individual’s work performance.

Harassment in this context must be based on or occur because of an individual’s race, gender, national origin, religion, age, disability, or marital status. If harassment arises because of any other reason, it is not addressed by the applicable statutes. Employees frequently claim they have been

harassed by supervisors or coworkers, but the evidence shows, for example, that the supervisor recommended the employee be disciplined for a rule violation, or coworkers excluded the employee from conversations or lunch engagements. While these actions may seem unfair, they are not illegal.

The same is true for the proliferation of hostile work environment claims, many of which arise because employees have been counseled regarding performance or attendance issues, for example. The employee may therefore perceive that s/he is subjected to a hostile work environment for these reasons but, again, unless s/he can show the hostility arises because of his or her protected class status, the claim fails under Title VII.

## **8. Identify the purpose and major components of the Department’s “Code of Ethics”.**

The “Code of Ethics” is designed to strengthen the current ethical standards by making them clear and enforceable and to improve the manner in which state government serves its citizens.

### **Avoiding the Appearance of Impropriety**

- Public employees must avoid the appearance of impropriety but should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except where conflicts with the public responsibilities of such employees (or the perception of such conflicts) cannot be avoided.
- Employees of the Department of Corrections will use the powers and resources of the Department to further the public interest and not for any financial or personal benefit other than salaried compensation and employer-provided benefits.
- Employees are expected to safeguard their ability to make objective, fair, and impartial decisions. Therefore, employees may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of theirs or to reward a past decision. Employees will avoid any conduct that might undermine the public trust whether that conduct is unethical or lends itself to the appearance of ethical impropriety.
- Favoritism toward certain employees, persons or groups must be avoided. Collecting funds from co-workers for the purpose of honoring a co-worker or celebrating events such as a birthday or retirement is permissible as long as the contribution from each co-worker is limited to a reasonable or minimal amount, a supervisor or one higher in the chain of command is aware and approves the fundraising, and the contributions are made voluntarily without coercion in any way.

### **Fair Access and Equal Opportunity**

- Employees are required to afford all citizens fair and equal opportunity to express their concerns and ideas regarding state programs and policies without regard to their political affiliation, sophistication, or affluence.
- Recommendations and decisions made by employees in the performance of their duties will be made without bias and will not be improperly influenced by the race, color, national origin, age, sex, disability, or religious creed of the individual(s) affected by or subject to the action.
- The Florida Constitution guarantees all citizens of Florida a right of access to many governmental meetings and records. The department is committed to a public policy of open government.

### **Solicitation and Acceptance of Gifts**

Employees are prohibited from soliciting or accepting anything of value i.e., gift, loan, reward, promise of future employment favor, or service based on an understanding that their official action or judgment would be influenced by such a gift.

### **Unauthorized Compensation**

Employees and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.

### **Use of Public Position**

Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.

### **Disclosure or Use of Certain Information**

Employees are prohibited from disclosing or using information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

### **Doing Business with One's Agency**

Employees acting as purchasing agents or employees acting in their official capacity are prohibited from purchasing, renting, or leasing any realty, goods, or services or directly or indirectly procuring contractual services for the agency from a business entity in which they, their spouse, or child own more than five percent (5%) interest or serve as an officer or director.

### **Conflicting Employment or Contractual Relationship**

Employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the agency.

### **Employment of Relatives (Nepotism)**

Public officials and employees are prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the unit in which s/he is serving or over which s/he exercises jurisdiction or control.

## **9. Identify the five parts of the Department of Corrections “Code of Conduct”.**

### **CODE OF CONDUCT**

- I. I will never forget that I am a public official sworn to uphold the Constitutions of the United States and the State of Florida.**
- II. I am a professional committed to the public safety, the support, and protection of my fellow officers and co-workers, and the supervision and care of those in my charge. I am prepared to go in harm's way in fulfillment of these missions.**
- III. As a professional, I am skilled in the performance of my duties and governed by a code of ethics that demands integrity in word and deed, fidelity to the lawful orders of those appointed over me, and, above all, allegiance to my oath of office and the laws that govern our nation.**

**IV. I will seek neither personal favor nor advantage in the performance of my duties. I will treat all with whom I come in contact with civility and respect. I will lead by example and conduct myself in a disciplined manner at all times.**

**V. I am proud to selflessly serve my fellow citizens as a member of the Florida Department of Corrections.**

**10. Identify which entities are responsible for administering the Department's Ethics Policy.**

The Bureau of Personnel is responsible for notifying employees appointed to designated positions of the requirement to file financial and gift disclosure.

The Office of the General Counsel is responsible for providing clarification to employees of the Department on the specific ethics policies outlined herein.

The Commission on Ethics is also available should you have any questions. They may be contacted at Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864.

**11. Explain the purpose of HIPAA and why it is important.**

In 1996, the **H**ealth **I**nsurance **P**ortability and **A**ccountability **A**ct became law. We call the law "HIPAA" based on the first letter of each word. The scope of the Act was broadened to require the health care industry to adopt uniform codes and forms. This would help streamline processing and use of health data and claims and contribute to better, more accessible health care for Americans.

The Act also was broadened to better protect the privacy of people's health care information, and give them greater access to that information.

Training of all staff in privacy of health information is one of HIPAA's primary requirements.

It is important to respect people's privacy. When people provide us with their private health information, they trust us to use it legally and appropriately.

The HIPAA Privacy Law allows you to do your job as you have done it in the past. The only difference is that we need to be more careful about protecting our offenders' private health information.

**12. Identify the consequences if a Department employee does not keep inmate or offender health information confidential.**

**Disciplinary Action:** Violators may expect to receive a reprimand, suspension, or even dismissal if health information is not kept confidential. Penalties apply even if the disclosure was unintentional.

**There are legal penalties – fines and even jail time** - for people who do not follow the HIPAA law. These penalties apply to the Florida Department of Corrections. They also apply to an employee if s/he ignores the law, especially if a staff member deliberately gives someone's private information to another person that is not supposed to see it.

### **13. Explain what is and is not Protected Health Information (PHI).**

#### **Examples of Health Information:**

- A prescription
- A medical chart
- Vital signs or medical test results
- Overheard conversations between an offender and health care provider

#### **Protected Health Information (PHI) that Identifies an Individual**

- His or her name
- A social security number
- DC number
- Location (i.e. work camp, dorm, bunk number)
- Home address

#### **PHI Examples:**

- A medical record that states, “Patient John Doe has the measles.” The record describes John Doe’s health condition and identifies him by name; therefore the record contains PHI.  
A medical pass directing that inmate #AB3455 receive an accommodation, such as excused from work, a lower bunk assignment, a bland diet, etc.
- A prescription for John Doe, because it has both the name of the individual and the medication prescribed to him. The medication prescribed is health information.

#### **NOT PHI Examples:**

- A summary report about the drugs prescribed for diabetes. This summary report is **not** PHI because it does not contain any information about the individual. It only contains health information.
- Departmental reports providing statistical information regarding the number of S-3 inmates. This report is not PHI because it does not identify an individual inmate.

**Note:** Remember, Protected Health Information (PHI) only applies to Individually Identifiable Health Information; both components must be present.

### **14. State the primary intent of the Prison Rape Elimination Act (PREA), to whom the Act applies, and its purposes.**

**The Act supports** the elimination, reduction and prevention of sexual assault and rape within corrections systems. It does so by mandating national data collection efforts; providing funding for

program development and research; and creating a national commission to develop standards and accountability measures. The Act provides for the analysis of the incidence and effects of prison rape in federal, state, and local institutions in order to provide information, resources, and recommendations designed to protect individuals from prison rape.

**The Act applies** to all federal, state and local prisons, jails, police lock-ups, private facilities and community settings such as residential facilities.

**The purposes of this Act are to:**

1. establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
2. make the prevention of prison rape a top priority in each prison system;
3. develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;
4. increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
5. standardize the definitions used for collecting data on the incidence of prison rape;
6. increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
7. protect the Eighth Amendment rights of federal, state, and local prisoners;
8. increase the efficiency and effectiveness of federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homeless; and
9. reduce the costs that prison rape imposes on interstate commerce.

**15. Describe the role of the Review Panel on Prison Rape established within the Department of Justice.**

Annually the Review Panel on Prison Rape is required to carry out public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence in each category of facilities identified. The purpose of these hearings is to collect evidence to aid in the identification of common characteristics of:

- victims and perpetrators of prison rape;
- prisons and prison systems with a high incidence of prison rape;
- prisons and prison systems that appear to have been successful in deterring prison rape.

**16. Identify the role of the National Institute of Corrections (NIC) in regards to PREA.**

**National Institute of Corrections (NIC)** is established by the Act as a national clearinghouse for the provision of information and assistance to federal, state, and local authorities for the prevention, investigation, and punishment of prison rape. NIC is also required to conduct periodic training and education programs for correctional agencies responsible for the prevention, investigation, and punishment of instances of prison rape.

**17. List the three primary objectives of Procedure 108.010 *Prison Rape: Prevention, Elimination and Investigation*.**

1. To establish zero-tolerance standards for sexual assault/battery in institutions and community corrections while protecting the rights of inmates and offenders, regardless of gender, or sexual preference, through accountability of perpetrators and the punishment of those institutional and community correctional officials who fail to detect, prevent, reduce and punish sexual assault/battery/harassment crimes for incarcerated inmates and those offenders under departmental jurisdiction.
2. To establish and provide implementation of standards for the detection, prevention, reduction and punishment of sexual assault/battery by increasing the availability of data, information and training on the incidence of sexual assault/battery consequently improving the management and administration of correctional facilities.
3. To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of a sexual assault, sexual battery, and/or sexual harassment.

**18. Describe the procedures for reporting incidents and/or allegations of prison rape.**

The department maintains a zero tolerance philosophy regarding inmate sexual battery/assaults. It is of primary importance that the prevention and the reporting of any allegation or act of inmate sexual assault and/or staff sexual harassment and staff sexual misconduct as outlined throughout the procedure be a priority of all agency staff.

All staff, inclusive of, wardens, circuit administrators, deputy circuit administrators, assistant wardens, chiefs of security, shift supervisors and department/section managers, volunteers and contract employees will ensure that they foster an environment within their facility(ies) that clearly precludes sexual battery. This includes, but may not be limited to:

- a. **taking all reports concerning sexual battery seriously**;
- b. initiating immediate reporting of alleged sexual battery, staff sexual misconduct and staff sexual harassment to the Office of the Inspector General;
- c. taking immediate steps to ensure preservation of possible crime scenes, inclusive of evidence protection;
- d. taking all appropriate measures to ensure the safety of an inmate who may have been sexually battered or of an inmate who may have reported the sexual battery of another;
- e. ensuring non-harassment and non-humiliation of alleged victims or informants of sexual battery regardless of sexual preference or transgender status of the inmate(s).
- f. Classification and/or housing assignment staff and medical personnel will ensure that, within twenty-four (24) hours of arrival a screening of each inmate is conducted (by an authorized medical/mental health professional).

**Any staff member who has reason to believe that an inmate demonstrates a sexually assaultive behavior or poses a risk for sexual victimization, even though an incident may not have occurred, will notify the shift supervisor.** If no incident of sexual assault, etc., as described within the procedure has occurred, no PREA number is needed.

**Reporting Incidents/Allegations:** All incidents or allegations of sexual battery, staff sexual misconduct and staff sexual harassment will be reported in accordance with: “Incident Reports – Institutions,”

Procedure 602.008; “Reporting Incidents to the Inspector General and “Management Information Notification System” 108.007; “Incident Reports - Community Corrections,” 302.045; “Emergency Action Center,” 602.012.

In all institutional instances of incidents involving sexual battery, staff sexual misconduct, improper conduct (sexual) or staff sexual harassment, the shift supervisor will ensure that an “Incident Report,” DC6-210, and a “Management Information System Notification” (MINS) report are processed and submitted. Each of these reports will include the PREA identification number issued by the Emergency Action Center (EAC).

In all Community Corrections incidents involving sexual battery, staff sexual misconduct, improper conduct (sexual) or staff sexual harassment, the circuit administrator will ensure that a “Community Corrections Incident Report,” DC3-225 and a MINS report is processed and submitted. Each of these reports will include the PREA identification number issued by the Emergency Action Center (EAC).

The inmate(s) suspected of committing a sexual battery will be managed in accordance with section 33-602.220, F.A.C. (Administrative Confinement) pending a complete and thorough investigation and disciplinary process, inclusive of external charges, if applicable. Inmate(s) who have been found guilty of sexual battery, through the course of either internal or external hearings will be processed in accordance with section 33-602.222, F.A.C (Disciplinary Confinement), unless otherwise ordered through judicial or administrative process.

Each warden will ensure that, the inmate orientation process (at both the reception center and the primary institution) will encourage inmates to immediately report any concern or fear of possible sexual battery to correctional staff.

Any employee who has knowledge of or is receiving information, written or verbal, regarding the fear, coercion or actual sexual battery will immediately notify the shift supervisor, the chief of security or higher authority who will then take immediate steps to evaluate the inmate’s concern/allegation. The authority notified will ensure proper medical treatment (if applicable) and the safety of the inmate by means provided in section 33-602.220, F.A.C. (Administrative Confinement) and section 33-602.221, F.A.C. (Protective Management), if applicable.

- a. Any employee who fails to report or take immediate action regarding these incidents, or intentionally inflicts humiliation toward the victim or informant, or trivializes a report of sexual battery will be subject to the appropriate level of discipline. This discipline will possibly include termination of employment, as outlined in section 33-208.003, F.A.C.
- b. Community corrections staff will refer to section (7) (b) and(c) of Procedure 602.008 for reporting instructions.

Inmates/offenders who have been sexually battered, or are aware of a sexual battery, or sexual misconduct of a staff member, will immediately notify the nearest correctional staff member and report the incident. All reasonable measures to secure the safety of the inmate(s) will be implemented by the shift supervisor, the chief of security, the warden and the investigator assigned.

- a. Victims of a sexual battery should try to preserve as much physical evidence of the battery as possible. Prior to reporting a sexual battery, there should be no showering, washing, etc., of the body and/or clothing or bed linen.
- b. Security staff will also ensure the preservation of evidence by securing the site of the battery (if possible). The clothing or any other items of the victim and the perpetrator (which may be pertinent to an investigation) will be preserved also.

Security/community correctional staff will notify the Office of the Inspector General immediately of any allegation of sexual battery, sexual misconduct, improper conduct (sexual), and staff sexual harassment. An investigation will be initiated in accordance with “Investigative Process,” Procedure 108.003.

**Post Sexual Battery Guidelines:** Staff from the Office of the Inspector General will conduct an interview with the inmate. This interview will be conducted to determine whether the collection of physical evidence is indicated considering the delay in reporting.

**Bureau Of Research and Data Analysis:** The Bureau of Research and Data Analysis will be responsible for the compilation and reporting of data in regards to sexual incidents as defined within procedure. Along with the Office of Information Technology, the Bureau of Research and Data Analysis will devise, implement and maintain an electronic reporting system to capture information from the field. This information will include data as required by the PREA survey administered by the federal Bureau of Justice Statistics.

**Bureau Of Personnel:** The Bureau of Personnel (inclusive of workforce compliance) will ensure that the PREA number is recorded on all documents related to employee disciplinary action, inclusive of the “Employee Disciplinary Action,” PR20 Screen, resulting from actions taken relative to procedure.

**Case Records:** The following case records associated with claims of sexual abuse will be retained for a period of five (5) years after the investigation concludes:

- (a) incident reports, (b) investigative reports, (c) perpetrator and victim information, (d) case disposition, (e) medical and mental health evaluation findings, (f) recommendations for post-release treatment and/or (g) counseling.

## **19. Identify who is primarily responsible for processing and responding to public records requests.**

The primary responsibility for processing and responding to public records requests rests with the office that serves as the official custodian of the record being requested.

Consult Procedure 102.008, *Public Records Requests* for a list of designated department personnel as well as an explanation of who may qualify as a “records custodian.”

## **20. Explain how requests for access to public records from the public should be handled.**

A person requesting access to public records is not required to put the request in writing or explain why the records are needed.

In accordance with Chapter 119, F.S., upon receipt of a public records request, a custodian of public records or his/her designee must promptly acknowledge the receipt of the request and inform the requestor of the identity of the records custodian or the person designated to respond to the request for inspection of public records by written correspondence or e-mail, if applicable.

1. After promptly acknowledging the receipt of a public records request, a custodian of public records or her/his designee will retrieve the responsive records, review them for exemptions or confidential material and respond to the request in good faith.
2. All responses to public records requests will be prompt and complete. Access to public records may be provided either by making requested records available for inspection or by providing copies upon payment as specified in section (2)(d) of Procedure 102.008. Chapter 119, F.S., requires that upon request, access to public records must be provided within a reasonable time. If the provision of access to requested records will take more than two (2) weeks to complete, the records custodian will advise the requestor of the approximate date of record availability when acknowledging the receipt of the request.
3. After gathering all responsive records, the records custodian will review them to determine if any of the requested material is exempt and/or confidential under chapter 119 or section 945.10, F.S., or other provision. If an entire document is exempt from public records disclosure, the records custodian will inform the requestor that the document is being withheld and will state in writing the basis for claiming that the record is exempt or confidential.
4. If only a portion of a document contains exempt or confidential information, the records custodian must redact the exempt or confidential portions and notify the requestor. Redactions may be made by using correction/cover up tape prior to copying or by making a copy of the document, blacking out by marker confidential material on the copy, and then recopying the document(s). The reasons for the redactions of confidential or exempt information will be communicated to the requestor on an "Invoice for Production of Records," DC1-201, and, if necessary, by written correspondence and a copy of all the redacted records provided by the requestor should be maintained by the records custodian.
5. In keeping with regulations that prohibit the disclosure of records or other information concerning substance abuse or human immunodeficiency virus infection, all responses to requests for **any type** of record should include the statement that "substance abuse records or records regarding human immunodeficiency virus, to the extent any exist, cannot be provided to you based upon your request." No employee will respond to requests in such a manner as to reveal the actual status of an inmate or offender to any individual or agency.

## **21. State whether inmates have unlimited or routine access to information in records of the Department of Corrections.**

No inmate or offender under jurisdiction of the Florida Department of Corrections will have unlimited or routine access to the department's records or information contained in the department's records. Section 945.10(3), F.S., authorizes the Florida Department of Corrections to permit limited access to the department's records if the inmate or offender makes a written request in accordance with section 33-601.901, F.A.C., and demonstrates an exceptional need for information contained in the agency's records and the information is otherwise unavailable. Such information will be provided by the Florida Department of Corrections when the inmate or offender has met the above requirements and can demonstrate that the request is being made under exceptional circumstances as set forth in section 945.10(3)(a)-(f), F.S.

- It will be the responsibility of the inmate or offender to maintain copies of documents that have been previously provided to the inmate or offender under other rules of the department. Requests for information that has been previously provided will not be honored unless the inmate or offender can satisfy the criteria set forth in section 945.10(3) (a)-(f), F.S.
- No inmate or offender will have access to any other inmate's or offender's file.

## **22. List some examples of confidential and exempt records.**

The following records or information contained in department files are confidential and exempt from public disclosure. These records will not be released absent a court order, written authorization, or other directive.

- Medical, psychological, dental, and substance abuse records without the inmate's authorization and consent on form DC4-711B,
- Medical information pertaining to a prospective, current, or former officer or employee without the individual's consent
- The home address, phone number, social security number and photograph of active or former department employees and/or their spouses and/or schools of active or former department, spouses and children.
- Information which if released would jeopardize a person's safety or the security of an institution or which is related to the security systems of an institution
- Information which is otherwise confidential by law.

**Note:** Refer to Procedure 102.008 for a comprehensive listing of records or information contained in department files that is confidential and exempt from public disclosure.

## **23. Identify who must comply with the Occupational Safety & Health Administration (OSHA) Standard 1910.1200, *Hazard Communication* and the Department's "Hazard Communication Program".**

**Any employer that employs three or more employees, with certain exceptions, is subject to the requirements of the OSHA Standard.**

**Any employer who produces, uses, or stores any toxic substance in the workplace is required to:**

- Inform workers of their rights under these regulations.
- Obtain and maintain for a period of 30 years, the required Material Safety Data Sheet (MSDS) for each toxic substance present.
- Make the MSDS' available upon request to an employee.
- Provide instruction to employees within their first 30 days of employment and at least annually thereafter, on the nature and effects of those toxic substances with which they work.
- Advise employees of their right to obtain further information.

**Notify the local Fire Department of the location and names of each of the toxic substances regularly present in the workplace.**

**The regulations provide employees with certain rights, including:**

- Knowledge of the toxic substances present in the workplace.  
Access to a copy of the Material Safety Data Sheet for any listed toxic substance present to which they may be exposed.
- Refusal to work under specified circumstances, with a toxic substance, if not provided a copy of the Material Safety Data Sheet for that substance within 5 working days after an employee submits a written request to the employer.

**The Environment Health, Safety & Risk Management website is at:  
<http://dcweb/co/safety/index.html>.**

**24. Identify what instructions are required regarding toxic substances found in the workplace under the OSHA Standard and the Department's Program.**

- The chemical and common names of the substance (with certain disclosure limitations for trade secrets).
- The location of the substance in the workplace.
- Proper and safe handling practices.
- First aid treatment and antidotes in case of overexposure.
- The adverse effects of the substance.
- Appropriate emergency procedures.
- Proper procedures for clean up of leaks or spills.
- Potential for flammability, explosion, and reactivity.
- The rights of employees under the OSHA Standard and the Department's Program.
- Protection against discharge, discipline, or discrimination for having exercised any of these rights.

**25. Identify who to contact if additional information is needed in the Department of Corrections.**

If there are any questions, or if additional information is needed concerning toxic substances in the workplace, contact the Office of Environmental Health, Safety, and Risk Management, Florida Department of Corrections.

## **26. Explain the purpose of the Florida Public Employer Whistleblower Act.**

### **Florida Statutes: Chapter 112 Public Officers and Employees: General Provisions**

#### **112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.--**

(1) SHORT TITLE.--Sections 112.3187-112.31895 may be cited as the "Whistle-blower's Act."

(2) LEGISLATIVE INTENT.--It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

## **27. Identify the elements of Florida Statute 761.03.**

Chapter 761 of the **Florida Statutes** has its' own Religious Freedom assertion for the citizens of Florida:

### **761.03 Free exercise of religion protected.--**

- (1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:
  - a) Is in furtherance of a compelling governmental interest; and
  - b) Is the least restrictive means of furthering that compelling governmental interest.
- (2) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief.

## **28. Identify religion related rights of inmates the courts have upheld.**

1. The courts have upheld inmates' right to
  - a. Meet as a group for worship or religious observations;
  - b. Observe special religious Holy days of obligation;
  - c. Receive and possess religious literature;
  - d. Receive and possess religious items (medallions, certain religious clothing, prayer beads, and other varied items that are essential to the one's beliefs)

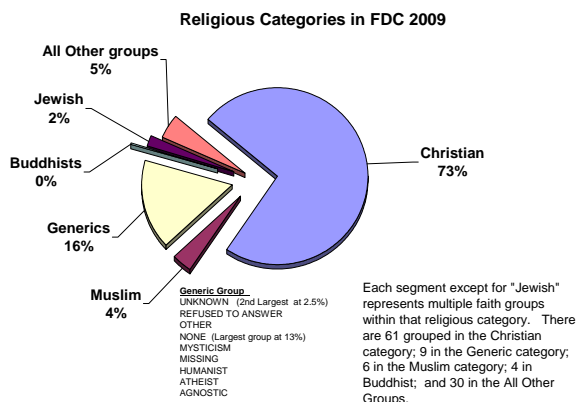
- e. Visit and correspond with clergy

## 29. Recall facts related to inmates in regards to religion.

Over the past 50 years, the religious freedom of inmates has been extended so that the prisons of the United States more accurately reflect a rich religious diversity. Inmates do not lose first amendment freedom of religion simply because they are inmates.

Every inmate has the absolute right to hold any religious **belief**. This means that religious freedom applies to non-traditional religions (the ones you've never heard of) as well as the mainstream religions. However, specific religious **practices** may be restricted under certain circumstances and with legitimate cause.

In the Florida Department of Corrections there are 111 different choices for inmates when it comes to religion. Though it varies from month to month the chart gives an approximate distribution of inmate religion. Remember that with 100,000 inmates, 1% equals 1,000. Any group with less than 1,000 inmates appears as 0%.



## Objectives Review for Legal Topics

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Answer the following questions by choosing the letter of the correct answer. There is only one correct answer for each question.

1. (1) **The Department of Corrections EEO policy is to ensure that each employee or applicant for employment has an equal opportunity in agency practices relating to recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, and other employment practices.**
  - a. True
  - b. False
  
2. (2) **Which of the following is not discrimination as defined by applicable federal and state laws?**
  - a. National Origin
  - b. Marital Status
  - c. Economic Status
  - d. Religion
  
3. (4) **If an employee states that s/he does not want to file a sexual harassment complaint, management does not have to report the matter to the appropriate intake officer in the servicing personnel office.**
  - a. True
  - b. False
  
4. (7) **What is the main purpose of the Department of Corrections “Codes of Ethics”?**
  - a. Its purpose is to limit what a Department of Corrections employee can do on or off the job.
  - b. Its purpose is to strengthen the Department’s ethical standards.
  - c. Its purpose is to improve the recruitment of ethical employees.
  - d. Its purpose is to keep anyone in the Department from accepting gifts of any value.
  
5. (8) **Which of the following statements is true?**
  - a. Public employees cannot explore opportunities regarding private economic interests.
  - b. Public employees have the right to any and all activities available to the general public.
  - c. Public employees must avoid the appearance of impropriety but should not be denied opportunities available to other citizens, if there are no conflicts of interest.
  - d. Public employees must avoid the appearance of impropriety but should not be denied opportunities available to other citizens, even if there are conflicts of interest.
  
6. (9) **As a professional I will adhere to the following:**
  - a. Be committed to the public safety, the support, and protection of my fellow officers and co-workers.
  - b. Be committed to the supervision and care of those in my charge.
  - c. Be prepared to go into harm’s way in fulfillment of these missions.
  - d. All of the above.

7. **(10) Which of the following should you contact with questions related to ethics?**
  - a. Office of the General Counsel.
  - b. Commission on Ethics.
  - c. Bureau of Personnel
  - d. Any of the above.
  
8. **(12) Why is the HIPAA privacy law important?**
  - a. It is important to respect people's privacy; they trust us to use their personal information legally and appropriately
  - b. It will reduce the amount of paperwork we do
  - c. It is only important because it is the law
  - d. Both b and c
  
9. **(14) Which of the following are examples of identifying data?**
  - a. DC number
  - b. Dorm and bunk numbers
  - c. Social security numbers
  - d. All of the above
  
10. **(16) What is the primary intent of the Prison Rape Elimination Act of 2003?**
  - a. Supporting the elimination, reduction and prevention of sexual assault and rape within corrections systems.
  - b. Establishing a coalition of correctional agencies concerned with Prison Rape issues.
  - c. Outlining Prison Rape investigation guidelines.
  - d. Protecting Correctional Officers and other corrections staff from rape by inmates.
  
11. **(17) Select the answer that best describes the roles of Review Panel on Prison Rape established within the Department of Justice.**
  - a. Investigate allegations of inmate abuse by correctional staff
  - b. Carry out public hearings to collect evidence to aid in the identification of common characteristics of victims and perpetrators of prison rape; prisons and prison systems with a high incidence of prison rape; prisons and prison systems that appear to have been successful in deterring prison rape
  - c. Establish guidelines for the punishment of correctional officials found to have neglected Prison Rape claims filed by inmates and/or correctional staff
  - d. Study the effects on the frequency of Prison Rape after the introduction of pornography on a prison compound
  
11. **(18) What agency serves as a national clearinghouse for the provision of information, assistance, and training to federal, state, and local authorities for the prevention, investigation, and punishment of prison rape?**
  - a. The Bureau of Justice Statistics of the Department of Justice
  - b. The Federal Bureau of Prisons
  - c. Corrections Corporation of America
  - d. The National Institute of Corrections

- 12. (19) Key phrases included as part of the three primary objectives of the Department's Procedure 108.010, *Prison Rape: Prevention, Elimination and Investigation* include the following:**
- To establish zero-tolerance standards for sexual assault/battery in institutions and community corrections
  - To establish and provide implementation of standards for the detection, prevention, reduction and punishment of sexual assault/battery
  - To establish guidelines for proper and immediate reporting
  - All of the above
- 13. (23) Who is primarily responsible for processing public records requests?**
- The first office that receives the original request for that record.
  - The office that serves as the official custodian of the record being requested.
  - The public records office of the Department, located at Central Office.
  - It varies; you have to know what type of record is being requested.
- 14. (24) Do inmates have unlimited or routine access to information in records of the Department?**
- No, inmates do not have unlimited or routine access to records.
  - No, unless the request is related to the records of another inmate.
  - Yes, inmates have the same access as any other citizen.
  - Yes, unless the request relates to information about an officer or other staff.
- 16. (25) Which of the following is an example of confidential records?**
- A medical record.
  - A substance abuse treatment record.
  - A record that gives the social security number of a DC employee.
  - All of the above.
- 17. (26) What is the Material Safety Data Sheet that is referenced in the OSHA Standard 1910.1200?**
- A document that describes the properties and hazards of a toxic substance.
  - A document that describes how the toxic substances may enter the body
  - A document that describes how to safely handle the toxic substance.
  - All of the above
- 18. (29) Who would you contact in the Florida Department of Corrections if you needed more information about toxic substances in the workplace?**
- The Right To Know Coordinator.
  - The Office of Environmental Health, Safety, and Risk Management.
  - The Office of Health Services.
  - The Toxic Materials Coordinator.
- 19. (30) The Whistleblowers Act prohibits retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare.**
- True
  - False

## Security and Use of Computers

### **Purpose:**

The purpose of this module is to inform you of the Department of Corrections' computer use policies and procedures. As a Department employee you may find yourself using a computer to accomplish one or more of your job functions. By completing this module you will become knowledgeable about important aspects of computer use and the relevant Department policies and procedures.

### **Learning Objectives:**

#### **Upon completion of this module, you will be able to:**

1. Identify important computer- or software-related terms in the Department's Procedure 206.005, Software Copyright/Acquisition.
2. Identify the Department's guidelines (contained in Procedure 206.005, Software Copyright/Acquisition) for the use, copying, and acquisition of copyrighted software.
3. Identify the Department's guidelines (contained in Procedure 206.008, Email) for the use of email.
4. Identify the Department's guidelines (contained in Procedure 206.007, User Security For Information Systems) to maintain computer and data security.

## Security and Use of Computers

### 1. Identify important computer or software-related terms in the Department's Procedure 206.005, Software Copyright/Acquisition.

**NOTE:** Use this link to access this procedure: <http://dcweb/co/pm/206.005.doc>

**Copyright:** refers to a set of ownership rights for an original work of authorship. The owner of a copyright has the exclusive rights to reproduce the copyrighted work and to distribute copies of the copyrighted work.

**License:** where used herein, refers to the authorization granted by the owner of a copyright to another entity to use the copyrighted material. When software is purchased, the purchaser is only buying the license to use the software, not ownership of the software itself. The license lists the conditions under which the software may be used.

**Software:** where used herein, refers to programs and routines used to employ and control the capabilities of computer hardware such as personal computers including, but not limited to, operating systems such as Microsoft Windows, maintenance routines such as Backup Exec and Diskeeper, and applications such as Microsoft Word or Excel.

### 2. Identify the Department's guidelines (contained in Procedure 206.005, Software Copyright/Acquisition) for the use, copying, and acquisition of copyrighted software.

**NOTE:** Use this Intranet link to access and review the [Software Copyright/Acquisition procedure](#).

The Department recognizes and supports the legitimate interests and rights of copyright holders and prohibits its employees from violating those rights.

License agreements for software often provide only a right to use the software and do not transfer ownership of the software to the user.

In most cases, license agreements for software prohibit copying of the software, except for archival purposes. Some license agreements also prohibit use of the software on any machine other than the one for which the license was obtained.

All users of software products licensed to the Department are responsible for upholding the terms of the license agreements. Unless the license clearly provides the right to copy the software or to use it on another machine, an employee will assume that it is illegal to do so.

No employee will duplicate Department-licensed software for any purpose not covered under the original license agreement except as part of a backup file.

No employee will distribute Department-licensed software to any third party, including contractors, vendors, consultants, other employees, or private citizens unless the software has been properly licensed and is to be used for official Department business.

An employee is prohibited from copying software, installing software and using employee-owned software on a Department owned computer.

All new employees are required to read Procedure 206.005, *Software Copyright/Acquisition*, and sign a "*Proprietary Software Acknowledgement*" (Form DC2-605) during the new employee orientation process.

### **3. Identify the Department's guidelines (contained in Procedure 206.008, Email) for the use of email.**

No employee will duplicate Department-licensed software for any purpose not covered under the original license agreement except as part of a backup file.

No employee will distribute Department-licensed software to any third party, including contractors, vendors, consultants, other employees, or private citizens unless the software has been properly licensed and is to be used for official Department business.

An employee is prohibited from copying software, installing software and using employee-owned software on a Department owned computer.

All new employees are required to read Procedure 206.005, *Software Copyright/Acquisition*, and sign a "*Proprietary Software Acknowledgement*" (Form DC2-605) during the new employee orientation process.

Users of E-mail should recognize that the content of an E-mail message sent or received in connection with state business or by utilizing state resources is subject to review by management.

Employees should be aware of the possibility of the introduction of a computer virus or other malicious code through E-mail. Therefore, employees must exercise caution when downloading and using attachments to E-mail and should NOT download attachments from unfamiliar sources.

### **4. Identify the Department's guidelines (contained in Procedure 206.007, User Security For Information Systems) to maintain computer and data security.**

Access to departmental information and information systems will be provided based on the need to know as it relates to each user's job functions. To maintain the need-to-know concept, the department will utilize an electronic access request process. **(3-3111, 3-ACRS-1E-06)**

Users who deliberately violate this and other information security procedures and policy will be subject to disciplinary action up to and including termination of employment

Users will not test or attempt to compromise computer software or communication system security measures.

All users will sign off workstations/terminals and computing network such as LANs and CDC before leaving the work area.

Incidents involving unapproved system cracking (hacking), password cracking (guessing), software copying, or similar unauthorized attempts to compromise security measures may be unlawful and will be considered serious violations of department's internal requirements. Likewise, short-cuts bypassing systems security measures as well as pranks and practical jokes involving the compromise of systems security measures are absolutely prohibited.

Each new employee will be directed to the DC Web site for the location of this restricted procedure (**Procedure 206.007, User Security for Information Systems**) at new employee orientation. The employee will sign an acknowledgement form that will be retained in the employee's personnel folder.

Each new employee will be provided with a "Security Awareness Training," NI1-016 <http://dcweb/co/forms/ni1-016.doc>, document distributed at new employee orientation. The employee will sign an acknowledgement form that will be retained in the employee's personnel folder.

**FLORIDA CRIME INFORMATION CENTER (FCIC) WORKSTATIONS:** Care will be taken to maintain physical security of all FCIC workstations including personal computers. Staff certified to operate FCIC workstations are required to comply with FCIC policies and procedures established as part of their certification.

**Inmate Access/Use of Information Technology:** Inmates will, under strict controls, use personal computers (PCs) only to carry out assigned duties, to participate in an inmate related training class, and/or to conduct library or law-library related research.

**The following statements define the parameters and guidelines covering the use of PCs by inmates:**

**Inmates are restricted from use of systems** containing connectivity devices such as modems, network cards and emulation boards except while participating in an education-related training program, conducting law-related research, and/or where assistive technology devices are required pursuant to the Individuals With Disabilities Education Act or the Americans With Disabilities Act.

**Inmate access to the Departmental Operational Computing Network is strictly prohibited.** No inmate will be permitted access to an employee personal computer or a department network computer. Department employees, interns or volunteers will **NEVER** sign onto a personal computer or the department's computing network using their personal sign-on ID to provide access for an inmate.

## Objective Review for Security and Use of Computers

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Answer the following questions by choosing the letter of the correct answer. There is only one correct answer for each question.

**1. What does “copyright” signify?**

- a. Material that cannot be copied under any circumstances
- b. The right to copy printed material
- c. Ownership rights for an original work of authorship
- d. All of the above

**2. Is it permissible to copy Department computer software?**

- a. You must assume you cannot copy Department software unless you are told otherwise
- b. The Department owns our computer software and we have the right to copy any and all
- c. You can make one and only one copy for your personal at-home use
- d. Both b and c

**3. Can you use Department email for “non-business” type announcements (such as, weddings**

- a. Yes, but only if the individuals involved are Department employees
- b. No, this is not a permissible use of Department email
- c. No, with one exception: if the “non-business” activity takes place on Department property
- d. Yes, it’s OK under all circumstances

**4. Are inmates and offenders under supervision allowed to access the department’s E-mail systems or view the content of E-mail messages?**

- a. Material that cannot be copied under any circumstances
- b. The right to copy printed material
- c. Ownership rights for an original work of authorship
- d. All of the above