

Florida

WOMEN IN PRISON: 5,630 (05/05)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 944-35 (3)(b) 2ⁱ – *Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties:*

§ 951-221ⁱⁱ – *Sexual misconduct between detention facility employees and inmates; penalties.* ⁱⁱⁱ

The Florida statutes are in the Criminal Procedure title under the State Correctional System chapter. §944.35 makes sexual misconduct (including oral, anal, or vaginal penetration by or union with the sexual organ of another) by a Department of Corrections (DOC) employee a third degree felony and provides that consent is not a defense to prosecution. It also provides a unique requirement: correctional employees who have at least a “reasonable cause to suspect” a custodial sexual violation has occurred must provide a written report; the law provides penalties (a first degree misdemeanor) for failure to report, filing a false report, and misleading or intimidating another in connection with the obligation to report. Both §944-35 and § 951-221 provide that a facility administrator’s finding of sexual misconduct is sufficient cause for dismissal and that a person dismissed on this basis may not be re-employed in the correctional system.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	Sexual misconduct is defined as 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”; however, it specifically excludes acts done “for a bona fide medical purpose or an internal search conduct in the lawful performance of the employee’s duty.” ²
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law specifically prohibits the claim that the inmate consented as a defense.
Does the statute cover all custodians and staff in contact with inmates?	No	The law includes all employees of the Florida DOC, but does not appear to cover non-employees or other service providers with whom inmates may come into contact.
Does the statute cover all places where an inmate might be abused?	Yes	The law covers all inmates and offenders supervised by the Florida DOC in the community.
Is the penalty a felony?	Yes	Violation is a third degree felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ³	According to Florida’s Attorney General’s office, 10 employees under the agency had been convicted of sexual misconduct under the above section as of July 2000. ⁴
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ⁱ This statute was amended in 2001 by the enactment SB 226, which added the requirement that the Criminal Justice Standards and Training Commission develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program.

ⁱⁱ This statute was created in 2001 by the enactment of SB 226.

ⁱⁱⁱ The text of Florida’s statute is reprinted at the end of this section

	<p>In 2005 Florida Attorney General’s office reported that they do not compile these statistics, and referred AI to the Department of Corrections.⁵ The Department of Corrections told AI they do not compile such statistics, and referred AI to the Florida Prosecuting Attorneys Association (FPAA).⁶ AI did not receive a response from FPAA.</p>
<p>Incidents reported in select media since January 2000</p>	<ul style="list-style-type: none"> - Homestead Correctional Institution: Ajmo Jolicoeur, a state corrections officer was arrested on charges that he raped and impregnated a female inmate. He was accused of coercing the woman into sex with threats of placing her in restricted custody, and allegedly had sex with her several times during the prison’s midnight shift. DNA tests confirmed that Jolicoeur was the father of the inmate’s child. Jolicoeur resigned from the Corrections Department and was later charged with two felonies: sexual battery and sexual misconduct. (<i>The Miami Herald</i>, 06/17/05) - Florida Institute for Girls: An employee was arrested on the charge of having sex with a 15-year old girl in her cell while working an early morning shift in July. He was charged with sexual battery on a child while in custody after admitting to the act. Two supervisors who failed to notice the sexual misconduct, despite security cameras in the cell, were fired. The institute was scheduled for closure in September 2005. (<i>Palm Beach Post</i>, 08/19/05) - Hernando County Jail: In March 2005, corrections officer Louis Gregory pleaded guilty to sexual misconduct based on his sexual assault of a 17-year old prisoner in the jail. He was sentenced to six months in jail. (<i>Prison Legal News</i>, 04/2005) - A woman strip searched after being arrested in Miami during the 2003 free-trade protests testified about her experience before the Commission on Safety and Abuse in America’s Prisons in April 2005. The day before, she and two others settled a class-action lawsuit against Miami-Dade County. (<i>AP</i>, 4/19/05) - Florida Institute for Girls: Between the facility’s opening in April 2000 and February 2003, more than 15 employees were disciplined for sexual misconduct. The employees were accused of writing love letters to the incarcerated girls, arranging meetings with them and having sexual relations. Two staff members were criminally charged for sexual impropriety. (<i>Sun-Sentinel Company</i>, 07/24/03) - Bay County Jail: Jail transport officer Floyd Gladney was charged with raping a female inmate while transporting her from Panama City to Marianna. Gladney was immediately fired. An internal investigation was ordered to find out why he was permitted to transport a female inmate alone, without the requisite presence of another male or female officer. (<i>AP</i>, 04/02/03) - Okaloosa County Jail: Guard James Barrow was arrested on three counts of battery for allegedly groping the breasts of two female prisoners. (<i>Associated Press State and Local Wire, BC cycle</i>, 12/12/02) - Broward County Jail: Broward County deputy Kevin Williams was arrested and held without bond after deputies found enough evidence to charge him with two counts of sexual battery of a female arrestee. The woman had reportedly been in a holding cell for a few hours when one deputy allegedly took her to a secluded area in the facility where he allegedly sexually assaulted her. (<i>Sun-Sentinel</i>, 09//14/02)

- Orange County Jail: Corrections officer Herbert Quarterman allegedly forced a female inmate at the jail to perform oral sex on him. After the incident, the woman called her boyfriend and contacted other corrections officers, beginning an investigation by the Orange County Sheriff's Office. (*Fort Pierce Tribune, September 21, 2002*) Reportedly, the case against him was dismissed in May because the State Attorney's Office failed to bring it to trial within the requisite time limits. (*Orlando Sentinel, 11/15/03*),
- Sumter Jail: Former corrections officer Michael White pleaded guilty to having sex with a female inmate. He surrendered his law enforcement certificate and was placed on five years' probation, in addition to paying court costs. Initially, state attorneys in Sumter County did not intend to pursue the case because the victim admitted that the sex was consensual. However, the victim's lawyer relied on the new law eliminating consent as a defense, and White was charged with sexual misconduct. (*The Tampa Tribune 10/20/02*)
- Nassau County: A Corrections Officer was arrested for sexual misconduct in a detention facility with a consenting female inmate. He was suspended without pay and held at the jail without bond. (*The Florida Times-Union, 09/21/02*)
- Broward Correctional Institution: A female inmate on Death Row has alleged that she is being abused by guards who have threatened to rape her on her way to being executed and have told her that "No one will ever know anything about it." (*Sun-Sentinel, 07/12/02*)
- Hernando County Jail: A former inmate filed suit against the facility alleging that a former corrections officer raped her in an elevator. (*St Petersburg Times, 05/29/02*)
- St. Lucie County Jail: A Deputy was arrested on several charges of sexual misconduct. One inmate alleged that the Deputy had given her a cigarette in exchange for her revealing her breasts. A second inmate claimed that he put his hands down her pants while she was in a cell in the medical unit of the jail. (*The Palm Beach Post/ Martin-St. Lucie Edition, 04/14/02*) Another inmate alleged that the Deputy impregnated her, and that he told her she would be beaten and harassed if she told anyone about the incident. The Deputy pleaded no contest to charges of battery and unlawful sexual activity between a corrections officer and an inmate and was sentenced to six months in jail and two years of probation. The inmate filed a federal lawsuit in December 2005 against the St. Lucie County Sheriff's Office with regard to the sexual assault and her impregnation by the Deputy. The Deputy worked at the jail from 2000 to 2002 and was fired after several female inmates made allegations against him. (*Fort Pierce Tribune, 12/29/05*)
- Gadsden County Jail: Former female inmate Cassandra Collins was allegedly raped by a jail captain in 1996, while on work release. The captain was never criminally charged because, at time of the alleged rape, Florida law applied only to state employees and not county or private employees. However, he is now serving a 15-month sentence for raping a female corrections officer – a crime he has admitted committing. Due in part to Collins' advocacy efforts, Florida amended its custodial sexual misconduct law in 2001 to protect inmates from employees of municipal, county or private detention facilities, in addition to state facilities. (*The Palm Beach Post, 10/01/01*)
- Marion County Jail: A substance abuse counselor was fired over allegations of improper conduct with two female inmates. (*AP, 05/18/01*)

- Hillsborough County Juvenile Detention Center: A caseworker was charged with having a sexual relationship with a 15-year old female inmate. The caseworker is accused of having started a relationship in June 2000 with a girl who was incarcerated at the detention center for a three-week term. According to Tampa police, they continued to meet after the girl left the detention center. (*St Petersburg Times*, 03/15/01)
- Miami-Dade County Jail, Turner Guilford Knight Correctional Center: INS detainees transferred from the Krome Detention Center to protect them from sexual abuse were subjected to further sexual aggression two days after their arrival at the Turner Guilford Knight Correctional Center. In one alleged incident, a male trustee allegedly fondled a female detainee. (*Sun-Sentinel (Fort Lauderdale FL)*, 01/09/01)
- A correctional officer captain from a state of Florida jail pled guilty to having forcible sexual contact with a female inmate and was thereafter sentenced to 15 months in prison on November 9, 2000. He was prosecuted under federal criminal statute 18 U.S.C. § 242 for willful deprivation of the victim's liberty without due process under color of law. (*Second Periodic Report of the United States of America to the Committee Against Torture*, May 6, 2005, Article 2, Paragraph 18)
- Osceola County Jail: Officer was fired for having sex with a female inmate. (*The Palm Beach Post*, 10/16/00)
- Hernando Correctional Facility: Officer was accused of making aggressive passes at female inmates. He also allegedly had an ongoing affair with one inmate. (*The Miami Herald*, 09/00)
- Krome Detention Center: US Attorney General, Janet Reno, said that officials will investigate charges of sexual abuse at the facility. Female inmates claimed that guards promised them freedom in exchange for sex. (*St. Petersburg Times*. 08/18/00)
- Krome Detention center: A guard was accused of sexually assaulting a transsexual inmate at an immigration jail. He was charged with raping the INS detainee twice in an isolation cell in May. The guard was freed on a \$50,000 signature bond. (*The Orlando Sentinel*, 09/03/00)
- Lake County Jail: Allegations that an officer attempted to rape an inmate. (*The Orlando Sentinel*, 08/08/00)
- Broward County North Bureau Jail: Deputy Albert Tacher admitted to having an affair with female inmate. He resigned, and is planning to marry her. (*New Times Broward-Palm Beach*. 06/08/00)
- Kissimmee County Jail: A former officer was convicted of sexually molesting a female inmate. (*Orlando Sentinel Tribune*. 04/19/00)
- Wackenhut, Ft. Lauderdale: Six guards were fired or disciplined for having sexual relations with inmates. No charges were filed. (*The Miami Herald* 04/15/00)
- Osceola County Jail: Former officer Merced Rosado was convicted of sexual battery for molesting a female inmate. (*The Orlando Sentinel*, 04/12/00)

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Florida Department of Corrections in response to AI's survey in 2000, 2002 and 2005. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Florida DOC policy contains specific language about the nature of the behaviors prohibited as sexual misconduct. The policy defines 'improper sexual conduct' as including intentional touching of specific body parts with intent to abuse, arouse, or gratify sexual desire; completed, threatened, attempted, or requested sexual acts; or
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		incidents of indecent exposure, invasion of privacy for sexual gratification, or staff voyeurism. It also prohibits 'staff sexual misconduct' as 'consensual' sexual acts involving penetration or union of sexual organs. The policy also explicitly prohibits 'repeated' staff sexual harassment of inmates. ⁷
Allow cross-gender pat-down searches?	Yes	According to the Florida DOC, cross-gender pat-down searches are allowed only during emergencies. ⁸
What is the percentage of female officers in relation to male officers?		According to the Florida DOC, 57.1% of officers in female institutions are female. No system-wide percentage provided. ⁹
Restrictions on the duties of male guards?	Yes	No further information provided.
Staff training on sexual misconduct?	Yes	The Florida DOC requires all COs who work in female facilities to complete a 24-hour training, developed in 1999, during the first year of employment. All employees in the facilities receive four hours of training. All employees also receive training in staff/offender relations during their orientation. ¹⁰
Inform inmates of agency policies and reporting procedures on sexual misconduct?	Yes	Florida DOC procedure mandates to ensure that during the inmate orientation process, inmates are encouraged to immediately report any concern or fear of possible sexual battery to any correctional staff member. ¹¹

Custodial Sexual Misconduct - Policies and Procedures

Guiding Official Response

The following is based on the Florida Department of Corrections response to AI's surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	Yes	According to the Florida DOC, the victim is immediately given a medical examination. ¹²
Are immediate mental health services available for the victim of alleged sexual abuse?	Yes	Florida DOC procedure calls for a mental health referral for evaluation and counseling the next working day. ¹³
Is counseling available for the victim of alleged sexual abuse?	Yes	No further detail provided.
Is a rape kit taken?	Yes	Florida DOC procedure calls for a rape kit to be taken. ¹⁴
Are there special procedures for investigating allegations of sexual misconduct?	Yes	Procedures to be followed by the Office of the Inspector General are detailed in Florida DOC policy on the Investigative Process, which applies to a wide variety of investigations in addition to custodial sexual misconduct. ¹⁵ In addition, the Florida DOC has issued guidelines on compliance with the federal Prison Rape Elimination Act that detail procedures for gathering evidence of sexual battery. ¹⁶
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	Yes	Inmates can report misconduct to medical or mental health staff, chaplain or Inspector General staff. ¹⁷ In addition, DOC policy states that any employee who fails to report or take immediate action regarding sexual battery, inflicts humiliation toward a victim or informant, or trivializes a report of sexual battery is subject to discipline, potentially including employment termination. ¹⁸
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?	No	No details provided.
Is the investigation external?	No	The Florida DOC Inspector General carries out the investigation.
If there is an external investigation, how is it triggered?		The Florida DOC states that, when a crime is suspected, it is referred to the State's Attorney. ¹⁹
Are special measures taken to shield alleged victims from retaliation?	Yes	According to Florida DOC, transfers can be arranged in order to avoid retaliation. ²⁰ In addition, the Florida DOC directs prison

		officials to ensure that “all reasonable measures to secure the safety of the inmate(s)...be implemented.” ²¹
If so, do the measures include solitary confinement or lock-down of the inmate?	--	No information provided.
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	No	No details provided.
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	Yes	The Florida DOC has implemented a new tracking system in response to the federal Prison Rape Elimination Act. The Bureau of Research and Data will maintain an electronic reporting system that includes data relating to sexual incidents. ²²

Custodial Sexual Misconduct – Pending Legislative Proposals

None	
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Pregnancy in Custody

Pregnancy - Statute

Legislation banning shackling in the third trimester or during labor	No	Florida has no legislation limiting the use of shackling on pregnant inmates.
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Pregnancy - Policies, Procedures and Practices

The following is based on the Florida Department of Corrections response to AI’s surveys, please see above.

Use of restraints in third trimester	Yes	Florida DOC procedures state that pregnant inmates will neither be restrained with their hands behind their backs nor with leg irons. Close supervision will be utilized to prevent falls. These procedures are throughout the pregnancy, not just the third trimester. ²³
Restraints during transport	Yes	The stated policy of the Florida DOC is that handcuffs are used during transportation. Policy bans use of leg-irons and the restraining of hands behind the back during prenatal and postpartum periods. Procedure calls for the presence of a female correctional officer during transport to the hospital. ²⁴
Restraints during labor	No	Florida DOC policy states that no restraints are to be applied during labor. Leg irons are to be placed on the woman post delivery of the child and for the remainder of the hospital stay. ²⁵
Officer in delivery room	Yes	According to the Florida DOC, this is addressed on a case-by-case basis. ²⁶

Contact information

FLORIDA DEPARTMENT OF CORRECTIONS

Dept. of Corrections Secretary James V. Crosby Jr. Secretary's Office 2601 Blair Rd. Tallahassee, FL 32399-2500 Phone: (850) 488-0420 ; Fax: (850) 922-2848	Home page: http://www.dc.state.fl.us Inmate Search: http://www.dc.state.fl.us/ActiveInmates/inmatesearch.asp
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FLORIDA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Gadsden Correctional Institution <i>Female inmates: 1042 (06/05)²⁷</i> 6044 Greensboro Highway Quincy, Florida 32351 Phone: (850) 875-9701 Fax: (850) 875-9710 Private facility, run by Corrections Corp. of Amer.	Lowell Correctional Institution Women's Unit <i>Female inmates: 792 (06/05)²⁸</i> 11120 NW Gainesville Rd Ocala, Florida 34482-1479 Phone: (352) 401-5301 Fax: (352) 401-5331 E-Mail: lowellci@mail.dc.state.fl.us Lowell houses young offenders and pregnant women. A "boot camp" also is located here.	Broward Correctional Institution <i>Female inmates: 740 (06/05)</i> 20421 Sheridan Street Ft. Lauderdale, Florida 33332 Phone: (954) 252-6400 Fax: (954) 680-4168 Email: browardci@mail.dc.state.fl.us
Dade Correctional Institution <i>Female inmates: 1456 (06/05)²⁹</i> 19000 Southwest 377 th Street Florida City, FL 33034 Phone: (305) 242-1700 Fax: (305) 242-1881 Email: Dadeci@mail.dc.state.fl.us	Hernando Correctional Institution <i>Female inmates: 414 (06/05)³⁰</i> 16415 Spring Hill Rd. Brooksville, FL 34609 Phone: (352) 754-6715 Fax: (352) 544-2307 email: hernandoci@mail.dc.state.fl.us	

FLORIDA EXECUTIVE

Governor Jeb Bush [R] The Capitol Tallahassee, FL 32399-0001 Phone (850) 488-4441; Fax (850) 922-4292 Email: Jeb.Bush@MyFlorida.com	Home page: http://www.myflorida.com Elected: November 1998
Attorney General Charlie Crist [R] The Capitol, PL 01 Tallahassee, FL 32399-1050 Phone (850) 414-3300; Fax (850) 410-1613	Home page: http://myfloridalegal.com/ Elected: 2002

FLORIDA LEGISLATIVE INFORMATION

Legislative Session: The General Assembly convenes each year on the first Tuesday in March for a 60-day session. Senate: 40 members, 2-year terms House: 100 members, 4-year terms	Legislature home page: http://www.leg.state.fl.us Bill information phone number: (904) 488-4371 / 1(800) 342 1827
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Senate The Capitol, 404 Monroe Street Tallahassee, FL 32399-1100	Home page: http://senate.state.va.us/welcome.htm
House Of Representatives The Capitol, 402 Monroe Street Tallahassee, FL 32399-1300	Home page: http://www.leg.state.fl.us

WOMEN IN PRISON - NGO RESOURCES

Florida Families with Loved Ones in Prison 710 Flanders Ave. Daytona, FL 32114 Phone: (904) 254-8453 Website: www.afn.org/~flip
Florida Prison Legal Perspectives, Inc. Florida's Prisoner Newsletter P.O. Box 660-387 Chuluota, FL 32766 Phone: (407) 568-0200 Email: fplp@aol.com
The Aleph Institute 9540 Collins Avenue Surfside, FL 33154 Phone: (305) 864-5553; Fax: (305) 864-5675 Website: www.aleph-institute.org Services: Project H.E.L.P. works in the rehabilitation of inmates and improved family, social, and work ethic accomplished by behavior modification modalities that integrate principles of Jewish law and tradition with psychological principles of: Inmate rehabilitation; Organizational systems management; Social connectedness with community (both inside and out of prison).
ACLU of Florida 4500 Biscayne Blvd. Suite 340 Miami, FL 33137-3227 Phone: (305) 576-2336; Fax: (305) 576-1106 Website: www.aclufl.org
Florida Institutional Legal Services, Inc. (FILS) 1010-B NW 8th Avenue Gainesville, FL 32601 Phone: (352) 375-2494; Fax: (352) 271-4366 Website: www.criminaljusticeforum.com/Prison_Issues_Files/FILS.htm Services: Free legal assistance to indigent people incarcerated in Florida

Florida's Custodial Sexual Misconduct statutes

Excerpted

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties. —

(b) 1. As used in this paragraph, the term "sexual misconduct" 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.

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.

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.

4. This paragraph does not apply to any employee of the department who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person

with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

(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.

(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.

(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.

(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.

(c) Any person who knowingly or willfully coerces or threatens any other person with the intent to alter either testimony or a written report regarding an incident where force was used or an incident of sexual misconduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

As part of the correctional officer training program, the Criminal Justice Standards and Training Commission shall develop course materials for inclusion in the appropriate required course specifically designed to explain the parameters of this subsection and to teach sexual assault identification and prevention methods and techniques.

951.221 Sexual misconduct between detention facility employees and inmates; penalties.

(1) Any employee of a county or municipal detention facility or of a private detention facility under contract with a county commission who engages in sexual misconduct, as defined in s. 944.35(3)(b)1., with an inmate or an offender supervised by the facility 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. The consent of an inmate to any act of sexual misconduct may not be raised as a defense to prosecution under this section.

(2) Notwithstanding prosecution, any violation of this section, as determined by the administrator of the facility, constitutes sufficient cause for dismissal of the violator from employment, and such person may not again be employed in any capacity in connection with the correctional system.

¹ Florida Department of Corrections: *Report on Trends in Prison Admissions and Population: Details on Prison Population*, May 2005, available at <http://www.dc.state.fl.us/pub/pop/monthly/index.html#admission>, as per 01/25/06.

² FLA. STAT. § 944.35(3)(b)(1).

³ The information does not reflect prosecutions or convictions under rape statutes.

⁴ Letter from Patricia R. Gleason, Office of the Attorney General, 07/31/00.

⁵ Phone conversation with Monique de la Torres, Citizen Services, Florida Attorney General's office, 08/17/05.

⁶ Letter from Louis A. Vargas, General Counsel, Florida Department of Corrections (DOC), 09/08/05.

⁷ "Prison Rape: Prevention, Elimination, and Investigation," Procedure 108.010, 07/01/05.

⁸ Letter from Louis A. Vargas, General Counsel, Florida DOC, citing Procedure 602.018, 08/25/05.

⁹ Letter from Louis A. Vargas, General Counsel, Florida DOC, 08/25/05.

¹⁰ Facsimile update from Kay Kapnek, Chief, Bureau of Policy Development, Florida DOC, 02/20/01.

¹¹ DOC Procedure Memo 108.10, "Prison Rape: Prevention, Elimination and Investigation," 06/07/05.

¹² Fax from Neal Fitch, Florida DOC, 07/08/02.

¹³ DOC Procedure Memo 108.10, "Prison Rape: Prevention, Elimination and Investigation," 06/07/05.

¹⁴ Procedure 108.010, 07/01/05.

¹⁵ Procedure 108.003, Investigative Process, 07/23/03.

¹⁶ "Prison Rape: Prevention, Elimination, and Investigation," Procedure 108.010, 07/01/05.

¹⁷ Fax from Neal Fitch, Florida DOC, 07/08/02.

¹⁸ DOC Procedure Memo 108.010, "Prison Rape: Prevention, Elimination and Investigation," 06/07/05.

¹⁹ Fax from Neal Fitch, Florida DOC, 07/08/02.

²⁰ Fax from Neal Fitch, Florida DOC, 07/08/02.

²¹ DOC Procedure Memo 108.10, "Prison Rape: Prevention, Elimination and Investigation," 06/07/05.

²² Letter from Louis A. Vargas, General Counsel, Florida DOC, 08/25/05; DOC Procedure Memo 108.10, "Prison Rape: Prevention, Elimination and Investigation," 06/07/05.

²³ Facsimile update from Kay Kapnek, Chief, Bureau of Policy Development, Florida DOC, 02/20/01.

²⁴ Procedure 506.201, FLA. ADMIN. CODE 39 and 33-603.201 F.A.C., p.9, (12) a-c. Sent by Rini Bartlett, Administrator of Female Offender Programs, Florida DOC, 08/21/00.

²⁵ Procedure 506.201, FLA. ADMIN. CODE 39 and 33-603.201 F.A.C., p.9, (12) e. Sent by Rini Bartlett, Administrator of Female Offender Programs, Florida DOC, 08/21/00.

²⁶ Letter from Louis A. Vargas, General Counsel, Florida DOC, 08/25/05.

²⁷ Florida DOC, *Inmate population by facility*, June 2005, available at <http://www.dc.state.fl.us/pub/pop/facility/index.html>, as per 01/25/06.

²⁸ Florida DOC, *Inmate population by facility*, June 2005, available at <http://www.dc.state.fl.us/pub/pop/facility/index.html>, as per 01/25/06.

²⁹ Florida DOC, *Inmate population by facility*, June 2005, available at <http://www.dc.state.fl.us/pub/pop/facility/index.html>, as per 01/25/06.

³⁰ Florida DOC, *Inmate population by facility*, June 2005, available at <http://www.dc.state.fl.us/pub/pop/facility/index.html>, as per 01/25/06.