

I am writing to formally request an appeal concerning the recent PREA (Prison Rape Elimination Act) Audit conducted at the Palm Beach County Sheriff's Office. The Palm Beach County Sheriff's Office (PBSO) has historically demonstrated a strong commitment to the principles and standards set forth by the accreditation process. As part of this commitment, our agency has incorporated specific practices into our daily routines to ensure the safety and well-being of individuals in our custody, effectively safeguarding them against potential instances of victimization. Our commitment to maintaining a safe environment for both individuals in our custody and the surrounding community remains paramount and we take the audit process very seriously.

Notably, PBSO has not only undergone the accreditation process but has also achieved exceptional results in the form of two previous PREA audits. These audits have highlighted our agency's consistent ability to not only meet but exceed the established standard requirements, showcasing exemplary practices that reflect our unwavering dedication to professionalism and accountability.

We remain steadfast in our commitment to upholding these high standards, and we welcome the opportunity for re-evaluation. Continuously striving to improve and exceed expectations is at the core of our agency's mission, and we are proud to embrace the accreditation process as a means to achieve and maintain excellence in our operations. For more detailed information regarding our accreditation and exemplary practices, please feel free to contact us, and we will be pleased to provide you with the necessary documentation and insights.

The Palm Beach County Sheriff's Office commissioned the PREA Audit by Kendra Prisk of 2kconsulting LLC on January 17-19, 2023. The evaluation compiled by Auditor Kendra Prisk was received by the Palm Beach County Sheriff's Office - Accreditation Department on September 12, 2023. In the auditor's compiled evaluation there were (45) standards reviewed and of that, there were (4) areas noted as not met.

- 115.17 - Hiring and promotion decisions (a) (b) (f)
- 115.41 - Screening for risk of victimization and abusiveness
- 115.42 - Use of screening information
- 115.67 - Agency protection against retaliation

It is the contention of the Palm Beach County Sheriff's Office the agency's response be re-evaluated for compliance. In response to the initial Interim Report received on February 28, 2023, PBSO -Accreditation gathered and provided responsive action accompanied by attachments uploaded to the OAS system. This request is being submitted as a result of the determinations noted in the Final PREA Report received by the agency on September 12, 2023. Please see the comprehensive agency actions regarding the noted areas.

115.17 Hiring and promotion decisions (a), (b), and (f)

Purpose of the Standard:

Prevent staff sexual misconduct by ensuring that individuals who have a prior history of being sexually abusive are not hired or contracted into positions where they may have contact with inmates.

Ensure that the agency is aware of any substantiated acts of sexual abuse or sexual harassment perpetrated by existing staff, to prevent the promotion of that staff, and to ensure that any other appropriate action be taken to protect inmates.

Agency Response / Actions

During the on-site evaluation, the auditor met with the Palm Beach County Sheriff's Office's Human Resource Department and the Internal Affairs Division, who oversee all background checks, hiring, and promotional processes regarding PREA Standard 115.17. At that time, current documentation, processes, and practices were made available for review. The auditor was allowed to review the documented background checks which included questions under this provision covered in the Good Moral Character portion of the application process. It was further explained and demonstrated that the applicant contractors, vendors and such undergo a stringent background review (inclusive of criminal history – local, state, and national, including fingerprints) before being afforded access to the facilities before attending the required security clearance training and CJIS approval.

Upon receipt of the Interim Report (February 28, 2023) the auditor indicated inadequacies regarding sections (a) and (b) of Standard 115.17. A copy of an updated policy was noted as required along with documentation related to the electronic system of notification and the requested PREA questions for promoted staff.

In the responsive action to the Interim Report, the following was provided:

Concerning provision, (a) PBSO COP 908.22 addresses this provision by stating, "All consultants, volunteers, and contractors who engage in sexual abuse shall be prohibited from contact with inmates and shall be reported to Palm Beach County Sheriff's Office Corrections detectives and relevant licensing bodies. (COP 908.22 was uploaded into the OAS system). After further correspondence and discussion with Auditor Prisk, it was determined the provision needed to be added to PBSO policy as indicated in the PREA Standard 115.17 (a).

Proposed revisions were made to PBSO General Order 304.02 Application, Screening and Selection Process to include the language in the provisions of 115.17 (a) and (b). The updates were incorporated and are currently in the process of approval via chain of command, union, and legal advisement. This was provided to the auditor for her review. At the close of the CAP period, the update was still in the process for approval.

115.17 (f)

Although the questions required under this provision are a practice during the initial application process and were reviewed by the auditor during her on-site visit, it was not a practice to subsequently query promotional candidates. Evidence of the agency's policy regarding staff's obligation to disclose any such instances was provided for review. In the auditor's review, it was determined the query of promotional candidates regardless of the agency's initial practice needed to be implemented into each promotional process going forward.

As such, during the CAP period, the agency developed a PREA questionnaire that included the required questions under the provision. The noted questions were to be incorporated into the initial application for the promotional process for all candidates.

- Have you ever had sexual contact with /engaged in sexual abuse of a person in your custody?
- Have you ever been involved with anyone in your custody beyond the scope of your professional purview?
- Have you misused your official position to receive sexual favors from anyone in your custody?
- Have you been civilly or administratively adjudicated to have engaged in the activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or refused?

At the close of the CAP period this amendment was forwarded to the agency Human Resource Department for approval implementation. The promotional process is conducted every two years and as such there are no candidates who have fallen under this process to date.

Supporting Documentation

- Good Moral Character (Application Process)
- Crimes Against Persons Questionnaire (posed during the application process)
- Application Process
- Revised PBSO General Order 304.02 (Pending Final Approval)
- Proposed "Good Moral Character" Promotional Questionnaire

115.41 - Screening for risk of victimization and abusiveness

Purpose of the Standard:

To ensure that the facility has identified those at heightened risk of being sexually victimized and those at heightened risk of being sexually abusive so that it can make housing and programming decisions with the goal being to use this information to prevent sexual abuse.

Agency Response / Actions

During the on-site audit of the classification risk assessment process, the auditor determined the process was not adequate as it was. The commander of the Inmate Management Division (Captain K. Kinsey) was consulted and initiated a risk assessment model, which assigned designated categories for inmates.

- **January 19, 2023:** During the on-site audit, the classification commander initiated a comprehensive risk assessment tool designed to evaluate inmates for their susceptibility to sexual victimization after consulting with a similarly sized agency that recently completed their PREA audit. This crafted tool encompassed specific criteria, including prior acts of sexual abuse, prior convictions for violent offenses, and a history of prior institutional violence or sexual abuse, as known to the agency. The assessment tool categorized inmates into four distinct groups: Victims, Potential Victims, Sexual

- Aggressors, and Potential Sexual Aggressors. This classification-prescreening tool was presented to the auditor on-site, accepted as adequate, and immediately implemented into practice. (*Satisfies 115.41 a-d*)
- **February 28, 2023:** Upon the receipt of the Interim Report on February 28, 2023, a notation surfaced, regarding the screening tool. The report underscored the requirement that this tool be weighted or tallied to meet the exacting standards outlined in provisions (d) and (e). It was determined the tool should have an objective tally or weighted system.
 - **May 11, 2023:** In response to the auditor's observations, on May 11, 2023, it was reiterated that the pre-classification screening and risk assessment was reevaluated and approved during the on-site. A copy of the agreed-upon evaluation was provided in the responsive action.
 - **June 20, 2023:** Subsequent to the aforementioned actions, a follow-up communication from the auditor on June 20, 2023, conveyed that while the risk screening tool had been augmented to encompass all requisite elements, the objective process is not adequate. Specifically, the auditor raised concerns that the tool currently categorized individuals based on the presence of a single affirmative response.
 - **July 6, 2023:** In response to these concerns, the matter was entrusted to Captain Kinsey, who was tasked with adjusting and amending the existing procedure. The Classification department undertook a comprehensive revision of the PREA Risk Assessment in alignment with the recommendations made by the auditor. This process involved the incorporation of additional assessment questions and a comprehensive educational outreach to staff members.
 - **August 9, 2023:** However, in the subsequent CAP review on August 9, 2023, the auditor reiterated reservations about the adequacy of the Risk Assessment Tool. Concerns were raised regarding the current weighted scoring process, the absence of a tallying mechanism, and the lack of differentiation for specific demographics such as youth and female inmates.
 - **August 24, 2023:** Following multiple revisions and correspondence with the auditor, PBSO reached out to the PREA Resource Center for guidance in developing what would be an acceptable model. In discussing the requirements of the risk assessment tool with Mr. Bean, he explained that either a decision tree or weighted scale was acceptable. After further contemplation, it was decided the agency would further adjust the weighted tool to align with the auditor's requirements. August 25, 2023: Additional revisions were made to the Risk Assessment Tool to include determination made using multiple / combinations of questions with an affirmative response. This revision was determined inadequate.
 - **August 28, 2023:** Captain Kinsey proposed a structured point scale model, which was submitted to the auditor for approval on August 28, 2023. Subsequently, the auditor approved this submission. Armed with the auditor's approval, the Classification department proceeded to assess the entire inmate population using the revised tool. In support of our commitment to compliance, documentation was meticulously prepared and presented to the auditor as evidence of our adherence to PREA standards.

- **September 8, 2023:** During the review meeting with the auditor on September 8, 2023, after providing documentation of the inmate population being reassessed further feedback was received, indicating that the assessment tool was again deemed inadequate. Specific concerns were articulated regarding the scoring process, underlining that the determination of scores did not fully align with the categorization of inmates across all defined distinctions.

Regarding 115.41 (f) The Medical History and Physical Assessment conducted on each in-custody inmate within 14 days of incarceration serves as the reassessment. In this reassessment, the questions mirror those of the initial risk assessment conducted by classification to include all factors required in 115.41 (d). This information is then forwarded to classification for comparison and any required modification to the categorization of inmates for updated housing and programs. A referral, request, incident of sexual abuse, or receipt of additional information is considered regarding the inmate's risk of sexual victimization or abusiveness. In all substantiated and unsubstantiated cases, the victim and suspect will be reassessed and a new designation/alert will be noted in their records as required by 115.41 (g).

This comprehensive timeline underscores our unwavering commitment to meeting and exceeding PREA compliance standards, as evidenced by our iterative and meticulous approach to refining the risk assessment tool in accordance with the auditor's expectations. We remain dedicated to addressing the auditor's concerns and achieving full alignment with PREA requirements.

Supporting Documentation

- Initial Revision to Screening Process
- Revised Screening Point System
- Staff Education
- Revised Screening Adding a Combination
- Screening with Revised Point System
- Revision of Screening with Points Instituted
- Screening with Adapted Point System
- Email of Screening Process Approval
- 115.41 MDC Classification Prescreening
- 115.41 Sampling of 72 Hours of New Intakes
- 115.41 WDC Classification Prescreening
- Screening Reassessment (Reflected New Alerts)

115.42 - Use of screening information

Purpose of the Standard:

To reduce the risk of inmate-on-inmate sexual abuse and sexual harassment (referred to throughout the remainder of this document as "sexual abuse" or "sexual victimization") by:

- ***Maintaining separation between inmates at risk of being sexually victimized and inmates at risk of being sexually abusive;***
- ***Using intake screening information from [Standard 115.41](#) to inform all inmate housing, bed, work, education, and program assignments;***

- *Providing additional protections for transgender and intersex inmates, based on the unique risks these populations face while incarcerated.*

Note: There is no equivalent of Standard 115.42 that applies to lockups.

Agency Response / Actions

As the provisions of standard 115.42 directly relate to those of 115.41, it is arduous to be compliant without the prior standard being met. In the auditor's final report, it was determined the agency would need to develop a tracking system for inmates who score at high risk of victimization and high risk of abusiveness. The tracking mechanism should include housing, bed, work, program, and education assignments.

Currently, using the developed assessment tool when it is determined an inmate is categorized in a specific distinction an "alert" is placed in their record. This notation is used in determining housing, possible work assignments, program, and educational program assignments in an effort to ensure their safety or instances of risk interaction. The current system provides the accessibility to pull reports of all determined categorized inmates in custody.

Classification uses the assessment tool and information gathered in the one-on-one interview in determining housing and program assignments of all inmates (inclusive of transgender and intersex), which would best suit the needs of the inmate while considering health, security, and safety.

Supporting Documentation

- Inmate Alert Status Reflecting - PREA PSA
- Inmate Alert Status Reflecting - PREA PV
- Report Reflecting Identified Status - PREA SA

115.67

Purpose of the Standard:

To establish protections for all inmates and staff from retaliation for reporting sexual abuse or sexual harassment and for cooperating with sexual abuse investigations. The standard recognizes the fact that retaliation for reporting instances of sexual abuse, and for cooperating with sexual abuse investigations, is a serious concern in correctional facilities. Additionally, the standard's monitoring requirements provide specifics about who must be monitored following a report of sexual abuse, what issues must be monitored, and the timeline for monitoring. The standard creates a strong detection and monitoring system for these issues, which will deter retaliation and will support an effective reporting system.

Agency Response / Actions

Regarding the findings as it relates to PREA Standard 115.67, the auditor determined the agency did not meet the standard. The standard calls for there to be monitoring completed for a period of 90 days in order to ensure there are no instances of retaliation against those reporting incidents of sexual harassment, assault, or abuse. The agency's practice was to have Mental Health monitor the inmate during that timeframe. Any inconsistencies observed were forwarded to classification for further review. It was

determined this was not sufficient, and other means of monitoring for retaliation needed to be put in place (regarding housing, recreation, discipline, and programs). After further discussion, the agency developed a system during the CAP period to ensure monitoring is conducted by incorporating a status review of reporting inmates. This review is conducted by a multi-disciplinary team inclusive of security, mental health, medical, and programs. At least every month, the PREA manager presents the noted inmate's data regarding the incident and assimilates the recommendations from the assembled team to see if there are changes that may suggest possible retaliation. This process was implemented and is currently in practice to review cases. At the close of the CAP period this process was presented to the auditor utilizing the one case which occurred during this period. The newly implemented practice of monitoring was determined to be acceptable however the auditor indicated because there was only one case she could not say the practice was institutionalized. The case presented was the only relevant case for the period. The procedure to ensure adequate monitoring is currently practiced as determined by its execution.

Supporting Documentation

➤ Segregation Review for Substantiated Case

In light of the aforementioned efforts and improvements, we respectfully request a thorough review and reconsideration of the findings outlined in the PREA Audit, specifically regarding the standards determined as not being met. We firmly believe that the steps taken to enhance our hiring practices, promotional process, risk assessment process, and monitoring for retaliation demonstrate our unwavering commitment to compliance and continuous improvement in alignment with PREA standards.

We remain committed to maintaining rigorous standards and ensuring the safety and well-being of all individuals in our custody. We look forward to the opportunity for an appeal, a re-evaluation, and the chance to provide additional context and information regarding our corrective actions. Please let us know of any further documentation or procedures required to initiate this appeal process promptly.

Thank you for your attention to this matter, and we remain dedicated to upholding the highest standards of safety and accountability within our facility.

Documentary Evidence:

<https://www.dropbox.com/scl/fo/hj6pww1wuuvkia9zxi10o/h?rlkey=s0hafommigple0j3btn77finy&dl=0>

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