



# AUDIT FINDINGS

## NARRATIVE:

The audit of Palm Beach County Sheriff Office Corrections was conducted on December 11-12, 2016 by Katherine Brown, Certified PREA auditor. Prior to the onsite I received all the policies and documentation on November 14, 2016 to review and requested additional documentation to satisfy the standards. Received additional documentation on November 20, 2016 and completed the initial review.

The areas toured were a total of 26 housing units. There are 17 general population units and nine specialized housing units to include administrative detention/segregation unit. I toured each of the housing units plus the kitchen, laundry, programs area, and work areas.

An entrance meeting was held with facility staff. The following people were in attendance: Ann Juhasz, Inspector; Mario Rodriguez, Detective; Rechina Castro, Sgt; Michael Alemair, Sgt; T.R. Foster, Sgt; Patrice Quinn, Lt.; T. Temperato, Lt.; Michael DeVoter, Captain; Michael Gauger, Chief Deputy; Pierre Dorsanvil, Medical Director; Diane Whitten, DON-WDC; Teresa Edwards, Insepector; L. Imbert, Sgt; W. Santiago-Montanez, Sgt; J. Marcelino, Lt.; Tamara Starks, Unit Manager; Juna, Thomas, Section Manager; Latonya Dukes, Unit Manager; Isabelle McDonald, Lt.; Darlyn Morris, Captain; Clarence Ellington, Reverend; Michelle DeLaura, Section Manager; Donna Delai, Supervisor; Sharon Lindner, DON- Medical; Diane Malcolm, Armor; Eddie Jones, Capt; Krista Shuffett, RN; Melissa Haber, Detective; Alfonso Starling, Major; Dena Paquette, Trinity; Carol Messam-Gordon, Palm Beach County victim Services; Mary Wright, Procedural Officer; David Gillert, Unit Manager; Linda O'Rourke, Mental Health; Roderick White, Section Manager; Sallyann Josef, Section Manager; Susan Dean, Division Manager; Mario Holguin, Detective Special Investigations; Keith Burden, Sgt; Tammy Bussey, Captain; Shadana Illiopoulos, Sgt.; Shara Davis, RN; Roy Smith Sergeant; Rhonda Vickers, Unit Manager.

Following the entrance meeting I toured the Palm Beach County Sheriff Office from 0900am - 2:00pm with a half hour for lunch. On the tour with me was, Patrice Quinn, Lt; Frank Milo, Captain; Michael Alemari, Sgt; Teresa Edwards, Inspector and Rechina Castro, Sgt. During the tour all facility notices were posted in all inmate dorms, program areas, and public areas announcing the audit. As I entered all inmates living areas cross gender announcements were made.

The night before the audit I asked for an alpha listing of all inmates housed at Palm Beach County Sheriff Office - Corrections and randomly selected one inmate from each housing unit as well as any inmates who were limited English speaking or had hearing/vision impairment to be interviewed, for a total of 45 inmates. There were no hearing/vision impairment inmates there, I did interview seven limited English speaking inmate. I also asked for any inmate who was transgender/intersex. I interviewed 2 transgender and one gender non-conforming. I also asked for a shift roster and randomly selected 15 staff to interview. I conducted 19 specialized interviews.

There were 17 sexual assault/harassment allegation cases, all relatively recent (within the past year) 12 had been unfounded; 1 substantiated and 4 unsubstantiated.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The Main Detention Center operates under the command of Captain Tammy Bussey and Captain Michael Devoter. The facility is located at the Sheriff's Headquarters Complex at 3228 Gun Club Road, West Palm Beach, Florida, 33406. It has an area of 835,000 square feet and is situated on a 52.8-acre parcel of land. The South Tower, one of three adjacent buildings, is a twelve-story high-rise linear structure constructed from concrete and steel in 1993 at a cost of \$52 million. Originally constructed in 1983 with a bed capacity of 822, the six-story East and West Towers flank the South Tower to complete the Main Detention Center.

The total bed capacity of this correctional facility is 2,156. This number includes infirmary and special management housing. The inmate population is comprised of pre-trial and county sentenced adult male and female inmates. Female and male juveniles are also housed in this facility. This facility is the largest of the two Palm Beach County Sheriff's Office correctional facilities. The Main Detention Center, a maximum security facility, has the greatest security capabilities and is used to house high-risk inmates, inmates who are in need of special medical and/or mental health care. The 2015 average daily inmate population for the Main Detention Center is 1,555 inmates. The population the days of the audits was 1400 inmates.

The exit meeting was held on December 15, 2016 and the following results were shared:

### **SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded: 3

Number of standards met: 37

Number of standards not met:

Number of standards not applicable: 3

**§115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934 Sexual Inmates & Victims III and interviews with PREA Coordinator I find they meet this standard.

Palm Beach County Sheriff Office has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines Palm Beach County Sheriff Office's approach to preventing, detecting, and responding to such conduct. Policy mandates zero tolerance toward all forms of sexual misconduct and is used to prevent, detect, and respond to any form of sexual abuse and sexual harassment.

Palm Beach County Sheriff Office employs or designates an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The PREA Coordinator was appointed by the Major and has the authority to comply with this standard.

Palm Beach County Sheriff Office operates more than one facility; they have multiple compliance managers as part of their accreditation team who have sufficient time and authority to coordinate Palm Beach County Sheriff Office - Corrections' efforts to comply with the PREA standards

**§115.12 Contracting with other agencies for confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not applicable standard

**Auditor comments, including corrective actions needed if does not meet standard**

Palm Beach County Sheriff Office does not contract with a private entity for the confinement of their inmates.

**§115.13 Supervision and monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 906.08 Facility Reports IV. C; 2015 Staffing Analysis; COP 917.17 IV.E. Division Security Inspection; Chronological Log and interview with Major; PREA Compliance Manager and PREA Coordinator

Palm Beach County Sheriff Office has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring, to protect inmates against sexual abuse. Palm Beach County Sheriff Office - Corrections complies with the standard by staffing plan and shift rosters that were reviewed as part of this audit. To fill vacant positions Palm Beach County Sheriff Office - Corrections have mandated overtime where the officers sign up two weeks in advance for the days they want to work overtime.

In circumstances where the staffing plan was not complied with, Palm Beach County Sheriff Office - Corrections documented and justified all deviations from the plan. There were no deviations from the staffing plan.

Palm Beach County Sheriff Office completes an annual review, in consultation with the PREA coordinator required by § 115.11, to assess, determine, and document whether adjustments are needed. Based on review of the annual staffing report.

**§115.14 Youthful inmates**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on VOP 923. VII. C. Juvenile Admission, Classification & Housing; interviews with juveniles and tour of facility I find they meet this standard.

A youthful inmate is not placed in a housing unit in which the youthful inmate will have sight, sound or physical contact with any adult inmate through use of a shared dayroom or other common space, shower areas or sleeping quarters. Juveniles are housed in South 12 A&D. No other inmates are housed on this floor and all programs offered to the juveniles are conducted on this floor.

In areas outside of housing units, agencies shall either: maintain sight and sound separation between youthful inmates and adult inmates, or provide direct staff supervision when youthful inmates and adult inmates have sight, sound or physical contact.

**§115.15 Limits to cross gender viewing and searches**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 917.11 V. D. Searches & Contraband Control; 934.00 C. M-Z Sexual Inmates & Victims; PREA LGTBI PowerPoint; Transgender Information pamphlet; PREA Facility Safety & Transgender PowerPoint; Training Record printout; Cross gender search video log as well as random staff and inmate interviews I find they meet this standard.

Palm Beach County Sheriff Office - Corrections does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances. In the event a cross gender search is done Palm Beach County Sheriff Office - Corrections documents all cross-gender strip searches and cross-gender visual body cavity searches. During random staff and inmate interviews it was confirmed staff do not perform cross gender strip searches.

Palm Beach County Sheriff Office - Corrections has policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit. During the random inmate interviews it was confirmed that inmates have privacy to perform bodily functions and cross gender staff announcements are made.

Palm Beach County Sheriff Office - Corrections does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The interview I had with the two transgender confirmed this standard and practice.

Palm Beach County Sheriff Office trains security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Random staff interviews confirmed they have been trained in cross gender pat down searches.

<b>§115.16</b>	<b>Inmates with disabilities and limited English speaking</b>
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Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 932.05 VI. B.2 Interpreters & Related Services; 934.00 V. A.19.13; Inmate Handbook; Signature report; posters; language line random inmate and staff interviews and

based on interviews with seven limited English speaking inmates using an interrupter I find they meet this standard.

Palm Beach County Sheriff Office takes appropriate steps to ensure inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of Palm Beach County Sheriff Office's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Palm Beach County Sheriff Office does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety. None have been used or required. The PREA Pamphlet is in both English/Spanish. Palm Beach County Sheriff Office - Corrections has a contract with the Language Line to provide translation for other languages. as well as sign language for the deaf.

<b>§115.17</b>	<b>Hiring and promotion decisions</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 304.02 IV. E. 1 & 2 Application Screening & Selection process; 908.02 V. D.2 Consultants, Volunteers & Contract Personnel; Polygraph Booklet with questions and interview with Human Resource Director I find they meet this standard.

Palm Beach County Sheriff Office does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in any criminal justice facility, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. Based on interview with human resources all applicants have a back ground check done prior to job offer, if any sexual activity is discovered during the back ground screening they would not be offered a job.

Palm Beach County Sheriff Office considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. Based on interview with human resources all applicants have a back ground check done prior to job offer, if any sexual activity is discovered during the back ground screen they would not be offered a job.

Palm Beach County Sheriff Office Internal Affairs Division performs criminal background records check before enlisting the services of any employee or contractor who may have contact with inmates and performs a records check at least every five years of current employees who have

contact with inmates. Contractor and volunteers have a criminal history run every year and Palm Beach Sheriff Office employees are run every five years.

**§115.18 Upgrades to facilities and technology**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Palm Beach County Sheriff Office considers how such technology may enhance Palm Beach County Sheriff Office's ability to protect inmates from sexual abuse. There have been no substantial or modifications to existing facilities. Palm Beach County Sheriff Office - Corrections currently utilizes cameras to prevent sexual abuse and assist in investigating allegations of wrongdoing. When installing new equipment, the Major, Deputy Major of Security, and facility SART will ensure it is used to protect inmates from sexual abuse. There is a camera project that is currently being worked on to enhance the coverage at the facility, primarily in the kitchen dry storage and laundry. In the meantime the recommendation was made to install concave mirrors to provide better coverage.

**§115.21 Evidence protocol and forensic medical exams**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on interview with Staff from Victim Services & Rape Crisis Center and PREA compliance manager I find they meet this standard.

To the extent Palm Beach County Sheriff Office is responsible for investigating allegations of sexual abuse; Palm Beach County Sheriff Office follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Palm Beach County Sheriff Office offers all victims of sexual abuse access to forensic medical examinations, at Wellington Hospital, without financial cost, where evidentiary or medically appropriate. Such examinations are performed by Sexual Assault Nurse Examiners (SANEs) from Victim Services & Rape Crisis Center.

Palm Beach County Sheriff Office makes available to the victim a victim advocate from Public Safety Department of Victim Services.



As requested by the victim, a victim advocate, accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals.

## **§115.22 Policies to ensure referrals of allegations for investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of policy COP 917.25 V. G 106 and interview with Major and investigative staff I find they meet this standard.

Palm Beach County Sheriff Office ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Palm Beach County Sheriff Office - Corrections follows the standards set forth by Palm Beach County Sheriff Office. The Department's response to sexual assault follows "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents." When an incident is reported, a physical examination of the alleged victim is conducted and SANE protocol is initiated. The Major will immediately ensure an investigation is referred to the Investigations Unit.

Palm Beach County Sheriff Office has a policy that ensures allegations of sexual abuse or sexual harassment are referred for investigation to the two detectives assigned permanently to the jail who have the legal authority to conduct criminal investigations. Palm Beach County Sheriff Office publishes such policy on its website [www.pbso.org](http://www.pbso.org).

## **§115.31 Employee training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934 V. N.; PREA pamphlet and interview with random staff I find they exceed this standard.

Palm Beach County Sheriff Office trains all employees who have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates' right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;

- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. All staff has received PREA training during in service training based on review of training records and random staff interviews.

The training is tailored to the gender of the inmates at Palm Beach County Sheriff Office - Corrections. The employees receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.

Palm Beach County Sheriff Office documents, through employee signature, those employees understand the training they have received.

Based on the availability of the PREA information and training being on Power DMS and available to staff all the time and the PREA card staff are issued and carry on their person as part of their uniform I find they exceed this standard.

<b>§115.32</b>	<b>Volunteer and contractors training</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of Volunteers PREA Compliance acknowledgement; Contractors PREA Compliance acknowledgement and interview with volunteer and contractors I find they meet this standard.

Palm Beach County Sheriff Office ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Palm Beach County Sheriff Office's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates are notified of Palm Beach County Sheriff Office's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Palm Beach County Sheriff Office has documentation confirming that volunteers and contractors understand the training they have received. All volunteers sign a PREA Compliance Acknowledgement. Volunteers and contractors interviewed confirmed they had received this training.

**§115.33 Inmate education**

X Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934.00 V. A. 12 & 13; Inmate Handbook English, Spanish & Creole; Inmate Education video Log MDC & WDC; Inmate PREA poster and interview with random inmates and intake staff I find they exceed this standard.

During the intake process, inmates receive information explaining Palm Beach County Sheriff Office's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. During the intake process all inmates receive the PREA pamphlet and watch the video in the holding cells.

Within 30 days of intake, Palm Beach County Sheriff Office provides a comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Palm Beach County Sheriff Office provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. There is documentation of inmate participation in these education sessions. The PREA Pamphlet is in both English/Spanish & Creole; Palm Beach County Sheriff Office - Corrections has a contract with the Language Line to provide translation for other languages as well as sign language for the deaf.

Every day at a set time the PREA Video is played on all housing units televisions. This practice was confirmed during random inmate interviews. Based on this I find they exceed this standard.

**§115.34 Specialized training: Investigators**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 917.25 V. G.2 Crimes committed within Palm Beach County Facility; PREA Investigators Training Curriculum – Investigating Sexual Abuse in a Confinement Setting; and interview with investigative staff I find they meet this standard.

In addition to the general training provided to all employees Palm Beach County Sheriff Office ensures that the in house investigators have received training in conducting investigations in confinement settings.

Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Palm Beach County Sheriff Office maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Investigative staff has received specialized training regarding the techniques for investigating PREA-related issues. They have attended a class titled Prison Rape & Sex Assault Investigations inside Correctional Facilities.

**§115.35 Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V.N. Sexual Offenders & Victims and interview with medical and mental health staff I find they meet this standard.

Palm Beach County Sheriff Office ensures that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Palm Beach County Sheriff Office maintains documentation that medical and mental health practitioners have received the training.

Medical and mental health care practitioners also receive the training mandated for employees, contractors and volunteers.

**§115.41 Screening for risk of victimization and abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934.00 V. A1&2 Sexual Offenders & Victims; 920.00 V. F.2 Inmate Classification Process; Classification Screening; medical Screening; 920 IV. B. & D 4 and

interviews with random inmates and intake staff responsible for screening. Only limited staff has access to the risk screening form only Medical, Mental Health and Major as well as PREA Manager.

All inmates are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other inmates or sexually abusive toward other inmates.

Intake screenings take place within 24 hours of arrival at Palm Beach County Sheriff Office - Corrections.

Palm Beach County Sheriff Office - Corrections uses an objective screening instrument.

The intake screening considers, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Palm Beach County Sheriff Office, in assessing inmates for risk of being sexually abusive.

Within 30 days from the inmate's arrival at Palm Beach County Sheriff Office - Corrections, Palm Beach County Sheriff Office - Corrections reassesses the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by Palm Beach County Sheriff Office - Corrections since the intake screening. Any inmate who has been identified as needing further evaluation due to additional information received will be reassessed when warranted.

An inmate's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Any inmate who has been identified as needing further evaluation due to additional information received will be reassessed when warranted.

Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked. No inmate is ever disciplined for refusing to participate in the intake process, if an inmate refuses to answer the questions during intake the counselor will meet with that inmate at a later time to conduct the rest of the screening. Those inmates would be placed in appropriate housing until a proper classification screening could be done.

Palm Beach County Sheriff Office implements appropriate controls on the dissemination within Palm Beach County Sheriff Office - Corrections of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

**§115.42 Use of screening information**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934. V. A3 -5; 920 C. C 1-3 & Section II; Classification Pre-screening; Medical screening and interview with PREA compliance manager and staff responsible for risk screening I find they meet this standard.

Palm Beach County Sheriff Office uses information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. All information from the risk screening is used to determine housing, bed assignments, work, education and programming.

Palm Beach County Sheriff Office makes individualized determinations about how to ensure the safety of each inmate.

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, Palm Beach County Sheriff Office considers on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year to review any threats to safety experienced by the inmate.

A transgender or intersex inmate's own views with respect to his or her own safety are given serious consideration.

Transgender and intersex inmates are given the opportunity to shower separately from other inmates.

Palm Beach County Sheriff Office does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. This practice was confirmed during interview with the two transgenders.

**§115.43 Protective custody**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934 V. A.4 Sexual Offenders & Victims; Segregation Summary; COP 918.00 Special Management Unit and interview with Major I find they meet this standard.

No inmates have been placed in involuntary segregation housing, but they have a policy addressing the following.

Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

Inmates placed in segregated housing for this purpose have access to programs, privileges, education, and work opportunities to the extent possible. If Palm Beach County Sheriff Office - Corrections restricts access to programs, privileges, education, or work opportunities, Palm Beach County Sheriff Office - Corrections documents the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

Palm Beach County Sheriff Office - Corrections assigns such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment does not ordinarily exceed a period of 30 days. If involuntary segregated housing assignment is made Palm Beach County Sheriff Office - Corrections clearly documents the basis for Palm Beach County Sheriff Office - Corrections' concern for the inmate's safety; and the reason why no alternative means of separation can be arranged. Every 30 days a review is performed to determine whether there is a continuing need for separation from the general population.

**§115.51      Inmate reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934.00 IV. B 1-7; G5; Inmate Handbook; PREA Posters; 927.04 V. A 1-5 Foreign Nationals Access to Diplomatic Representative; Incident report and interviews with random staff and inmates I find they meet this standard.

Palm Beach County Sheriff Office provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. The inmates may make a report of sexual abuse, sexual harassment, or retaliation in writing, verbally, by utilizing the PREA hotline, and by phone or mail to the Public Safety Department Victim Services by dialing 7777. Inmates are encouraged to report allegations immediately and directly to staff at all levels. All reports are promptly documented and reported to the proper authority. Most of the investigations I reviewed showed the favorite reporting mechanism is the hotline.

Palm Beach County Sheriff Office provides at least one way for inmates to report abuse or harassment to Public Safety Department Victim Services that is not part of Palm Beach County Sheriff Office, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports. Palm Beach County Sheriff Office - Corrections staff has been trained to forward all reports or observations of sexual assault/harassment to their immediate supervisor and/or designated SART member promptly. These reports may be made in writing, verbally, anonymously, or from third parties.

Palm Beach County Sheriff Office provides a method for staff to privately report sexual abuse and sexual harassment of inmates.

<b>§115.52</b> <b>Exhaustion of administrative remedies</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Not applicable

**Auditor comments, including corrective actions needed if does not meet standard**

Exempt: The Inmate Grievance policy does not address sexual abuse therefore this standard is exempt.

<b>§115.53</b> <b>Inmate access to outside confidential support services</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934. V. D. Sexual Offenders & Victims; Inmate Rulebook I find they meet this standard.

Palm Beach County Sheriff Office - Corrections provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. Palm Beach County Sheriff Office - Corrections enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible. Palm Beach County Sheriff Office - Corrections inmates are notified of the community SART Victim Advocate & Rape Crisis Center



during Orientation. This information is also available to them upon request. An inmate may make a verbal or written request to staff to contact a victim service advocate or agency at any time, or call the hotline number #7777. All reasonable measures are taken to allow for as much privacy as possible.

Palm Beach County Sheriff Office - Corrections informs inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. If inmates of Palm Beach County Sheriff Office - Corrections request to contact Victim Advocate & Rape Crisis Center, staff will make every effort to offer the inmate reasonable privacy while maintaining visual security if located in restricted or sensitive areas within Palm Beach County Sheriff Office - Corrections. Inmates have access to their phone in the housing to make these calls also.

Palm Beach County Sheriff Office maintains a memoranda of understanding with Palm Beach County Public Safety Victim Services Division.

<b>§115.54</b>	<b>Third party reporting</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 934.00 VC. B 6-7; C1 Sexual Offenders and Victims I find they meet this standard.

Palm Beach County Sheriff Office has a method to receive third-party reports of sexual abuse/harassment and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an inmate. Visitors can go to [www.pbso.org-pbso/corrections/prsion-rape-elimination-act](http://www.pbso.org-pbso/corrections/prsion-rape-elimination-act).

<b>§115.61</b>	<b>Staff and agency reporting duties</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on review of COP 934.00 V. K. L Sexual Offenders & Victims and interviews with random staff; Major and medical/mental health staff I find they meet this standard.

Palm Beach County Sheriff Office requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of Palm Beach County Sheriff Office; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All

personnel at Palm Beach County Sheriff Office - Corrections are provided with PREA training that instructs them on the proper procedure for reporting any incidents that are in any way related to PREA. This practice was confirmed during the random staff interviews.

Apart from reporting to designated supervisors or officials, staff does not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. Palm Beach County Sheriff Office - Corrections' staff is instructed through PREA training that any information obtained is limited to a need-to-know basis for staff, and only for the purpose of treatment, security, and management decisions, such as housing, work, education and programming assignments. Information is not to be indiscriminately discussed. Supervisors will always remind staff of this issue when staff report PREA-related issues to their supervisor.

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, Palm Beach County Sheriff Office reports the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Palm Beach County Sheriff Office - Corrections reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to Palm Beach County Sheriff Office - Corrections' designated investigators.

§115.62	<b>Agency protection duties</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on interviews with random staff, and Major I find they meet this standard.

Immediate action is taken to protect inmates when Palm Beach County Sheriff Office learns that an inmate is subject to a substantial risk of imminent sexual abuse. If an inmate at Palm Beach County Sheriff Office - Corrections is determined to be in imminent danger of sexual abuse, the Major will be notified immediately and the inmate will be housed in Administrative Segregation immediately in order to protect them.

§115.63	<b>Reporting to other confinement facilities</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. K, L Sexual Offenders & victims and interview with Major I find they meet this standard.

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of Palm Beach County Sheriff Office - Corrections that received the allegation notifies the head of of the facility where the alleged abuse occurred. Such notification is provided as soon as possible, but no later than 72 hours after receiving the allegation, and all actions are thoroughly documented. In cases where an inmate of Palm Beach County Sheriff Office - Corrections is sexually abused while confined at another facility the PREA Compliance will immediately upon notification notify the head of that facility.

§115.64	<b>Staff first responder duties</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. D & F Sexual Offenders & Victims and interview with security staff who are first responders, random staff and the fact that all staff are issued a PREA card that they carry as part of their uniform with the first responder duties on it I find they exceed this standard.

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. This was confirmed during the random staff interviews and he staff showed me the 1<sup>st</sup> Responder Card they are all issued and carry as part of their uniform.

If the first staff responder is not a security staff member, the responder request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

§115.65	<b>Coordinated response</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. C. – I and interview with Major I find they meet this standard.

Palm Beach County Sheriff Office - Corrections has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Palm Beach County Sheriff Office - Corrections as a written Coordinated Response plan that identifies the roles of each individual involved in the PREA investigations.

§115.66	<b>Preservation of ability to protect inmates from contact with abusers</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of Collective Bargaining Agreement and interview with Major I find they meet this standard.

Neither Palm Beach County Sheriff Office nor any other governmental entity responsible for collective bargaining on Palm Beach County Sheriff Office’s behalf entered into or renewed any collective bargaining agreement or other agreement that limits Palm Beach County Sheriff Office’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

§115.67	<b>Agency protection against retaliation</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. G-H Sexual Offenders & Victims interview with Major, designated staff member with monitoring retaliation; inmates in segregation for risk of sexual victimization I find they meet this standard.

Palm Beach County Sheriff Office has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designate which staff members or departments are charged with monitoring retaliation. Anyone who retaliates against a staff member or an

Inmate who has reported in good faith an allegation of sexual abuse or sexual harassment in good faith shall be subject to disciplinary action.

Palm Beach County Sheriff Office has multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Multiple protection measures include inmate housing changes or transfers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, Palm Beach County Sheriff Office monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any such retaliation. There is periodic status checks performed. Items Palm Beach County Sheriff Office should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Palm Beach County Sheriff Office continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

If any other individual who cooperates with an investigation expresses a fear of retaliation, Palm Beach County Sheriff Office takes appropriate measures to protect that individual against retaliation. If any other individuals/inmates, who are cooperating with the investigation, feel a need for retaliation monitoring, the appointed staff for the victim will also serve in this capacity for these identified individuals.

§115.68	<b>Post allegation protective custody</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. H. 2-3 Sexual Offenders & Victims and interview with Major I find they meet this standard.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse receives all the same rights and privileges as general population inmates.

§115.71	<b>Criminal and administrative agency investigation</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

## **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 Sexual Offenders & Victims; 917.25 Crimes Committed with the PBCS; Florida Sheriffs Association Certificate Investigating Sexual Abuse in a confinement setting; Incident Review Report with Offense Report and interview with investigative staff I find they meet this standard.

Palm Beach County Sheriff Office Detective's assigned to the jail conducts the investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Where sexual abuse is alleged, Palm Beach County Sheriff Office uses investigators who have received special training in sexual abuse investigations.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support criminal prosecution, Palm Beach County Sheriff Office conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. No agency requires an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that contain a thorough description of physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings, and attaches copies of all documentary evidence where feasible.

Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

Palm Beach County Sheriff Office retains all written reports for as long as the alleged abuser is incarcerated or employed by Palm Beach County Sheriff Office, plus five years.

The departure of the alleged abuser or victim from the employment or control of Palm Beach County Sheriff Office - Corrections or agency does not provide a basis for terminating an investigation.

§115.72

### **Evidentiary standard for administrative investigation**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on interview with investigative staff I find they meet this standard.

Palm Beach County Sheriff Office imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§115.73

**Reporting to inmates**

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 917.25 V. G 3-5 Offense Report and interview with Major; investigative staff I find they meet this standard.

Following an investigation into an inmate's allegation that they suffered sexual abuse in an agency facility, Palm Beach County Sheriff Office informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

If Palm Beach County Sheriff Office did not conduct the investigation, it requests the relevant information from the investigative agency in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, Palm Beach County Sheriff Office subsequently informs the inmate (unless Palm Beach County Sheriff Office has determined that the allegation is unfounded) whenever the staff member is no longer posted within the inmate's unit; the staff member is no longer employed at Palm Beach County Sheriff Office - Corrections; Palm Beach County Sheriff Office learns that the staff member has been indicted on a charge related to sexual abuse within Palm Beach County Sheriff Office - Corrections; or Palm Beach County Sheriff Office learns that the staff member has been convicted on a charge related to sexual abuse within Palm Beach County Sheriff Office - Corrections.

Following an inmate's allegation that they had been sexually abused by another inmate, Palm Beach County Sheriff Office subsequently informs the alleged victim whenever Palm Beach County Sheriff Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within Palm Beach County Sheriff Office - Corrections; or Palm Beach County Sheriff Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within Palm Beach County Sheriff Office - Corrections.

All such notifications or attempted notifications are documented.

An agency's obligation to report under this standard is terminated if the inmate is released from Palm Beach County Sheriff Office's custody.

**§115.76      Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 222.00 III B. Discipline Procedures Informal and Formal and interviews with the Chief and Major I find they meet this standard.

Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. Staff members who are found to have engaged in sexual misconduct/abuse shall be banned from correctional institutions or subject to disciplinary sanctions up to and including termination.

Staff may also be referred for criminal prosecution. Contractors and Volunteers who engage in sexual abuse will be prohibited from contact with inmates and reported to the appropriate law enforcement agencies.

**§115.77      Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of Armor Employee Handbook and interview with Major I find they meet this standard.



Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Palm Beach County Sheriff Office - Corrections' staff will immediately remove any contractor or volunteer from Palm Beach County Sheriff Office - Corrections if they engage in sexual abuse. The contractor/volunteer will be prohibited from contact with inmates and will report to the appropriate law enforcement agency. The relevant licensing body will also be notified.

Palm Beach County Sheriff Office - Corrections takes appropriate remedial measures, and considers whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. All Palm Beach County Sheriff Office - Corrections' volunteers and contractors that do not adhere to the PREA standards are subject to the disciplinary standards as defined by policy. Remedial measures may include prohibiting contact with inmates and reporting the incident to the appropriate law enforcement agency.

§115.78	<b>Disciplinary sanctions for inmates</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of 919.00 VI. A & E Inmate Rules & Disciplinary Process and interview with Major and Captains I find they meet this standard.

Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Palm Beach County Sheriff Office - Corrections will subject inmates to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Palm Beach County Sheriff Office - Corrections offers individual counseling to all victims of sexual assault or harassment.

Palm Beach County Sheriff Office disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Palm Beach County Sheriff Office prohibits all sexual activity between inmates and may discipline inmates for such activity.

§115.81	<b>Medical and Mental health screening; history of sexual abuse</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

N/A

**Auditor comments, including corrective actions needed if does not meet standard**

This facility is a county jail therefore this standard is non-applicable.

§115.82	<b>Access to emergency medical and mental health services</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. G-H Sexual Offenders & Victims G 1-6 and interview with medical and mental health staff I find they meet this standard.

Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health practitioners.

Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. All doctors' orders received from the hospital are carried out at Palm Beach County Sheriff Office - Corrections.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Inmates are never charged for incidents arising out of a sexual assault.

§115.83

**ongoing medical and mental health care for sexual abuse victims**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. G 1-6 Sexual Offenders & Victims and interview with medical/mental health staff I find they meet this standard.

Palm Beach County Sheriff Office - Corrections offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any jail, jail, lockup, or juvenile facility.

In providing ongoing medical treatment services, Palm Beach County Sheriff Office - Corrections will utilize the medical services of Armor Correctional Medical Healthcare staff. In providing ongoing mental health services these services will be provided at no cost to the inmate in the case of sexual abuse victims or abusers.

The evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Palm Beach County Sheriff Office - Corrections provides such victims with medical and mental health services consistent with the community level of care. Medical and mental health staff will provide services consistent with the community level of care.

Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Palm Beach County Sheriff Office - Corrections does not charge inmates for PREA related treatments or services.

Palm Beach County Sheriff Office - Corrections shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 V. D 1 Sexual Offenders & Victims; Incident review and interview with Major, PREA compliance manager; incident review team I find they meet this standard.

Palm Beach County Sheriff Office - Corrections conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. This review occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at Palm Beach County Sheriff Office - Corrections; and they examine the area in Palm Beach County Sheriff Office - Corrections where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of COP 934.00 IV. A. 1 & V. D. 1-4 Sexual Offenders & Victims; Sexual Assault Tracking Log; PBSO Statistical Table I find they meet this standard.

Palm Beach County Sheriff Office collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

Palm Beach County Sheriff Office maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Palm Beach County Sheriff Office obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

Upon request, Palm Beach County Sheriff Office provides all such data from the previous calendar year to the Department of Justice no later than June 30.

§115.88	<b>Data review for corrective action</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on interview with PREA coordinator I find they meet this standard.

Palm Beach County Sheriff Office reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each facility, as well as Palm Beach County Sheriff Office as a whole.

Such reports includes a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of Palm Beach County Sheriff Office's progress in addressing sexual abuse.

Palm Beach County Sheriff Office's report is approved by Palm Beach County Sheriff Office head and made readily available to the public through its website [www.pbsso.org](http://www.pbsso.org)

§115.89	<b>Data storage, publication and destruction</b>
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Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Palm Beach County Sheriff Office makes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website [www.pbsso.org](http://www.pbsso.org)

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of Palm Beach County Sheriff Office under review.

*Katherine Brown*  
\_\_\_\_\_

December 16, 2016  
\_\_\_\_\_

Auditor Signature

Date