

Collier County Sheriff's Office  
Jail Division Policy & Procedure Manual  
Chapter 15, Section 1

Section Title: ICE DETAINEE SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION  
Original Issue: 1/30/2023 Revised: 3/23; 4/23  
Amends/Rescinds:

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SCOPE - This Directive shall apply to ICE detainees at the Naples Jail Center.

15.01-1 PURPOSE:

The purpose of this policy is to ensure compliance with the Prison Rape Elimination Act of 2003 (PREA). The Collier County Sheriff's Office will ensure all detainees in custody are afforded equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

15.01-2 ZERO TOLERANCE POLICY:

The Collier County Sheriff's Office has a zero tolerance policy regarding sexual abuse and sexual harassment. This includes inmate/ICE detainee on inmate/ ICE detainee and staff on inmate/ICE detainee. Inmates/ICE Detainees have the right to be free from sexual abuse, sexual harassment and retaliation for reporting sexual abuse or harassment. We are committed to the safety of staff and inmates/ICE detainees.

15.01-3 DEFINITIONS:

- A. Agency - the unit of a state, local, corporate or nonprofit authority, or of the Department of Justice, which direct responsibility for the operation of any facility that confines inmates, ICE detainees or residents, including the implementation of policy as set by the governing, corporate or nonprofit authority.
- B. Agency Head - the principal official of an agency.
- C. Contractor - a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- D. Employee - a person who works directly for the agency or facility.
- E. Exigent Circumstances - Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the facility.
- F. Facility - a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
- G. Facility Head - principal official of a facility (Jail Administrator).
- H. FOD - Field Office Director
- I. Frisk Search - A frisk search is the least intrusive search conducted and should be reserved for quick check for contraband and weapons.
- J. Full Compliance - compliance with all material requirements of each standard except for *de*

*minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

- K. Gender Nonconforming - A person whose appearance or manner does not conform to traditional societal gender expectations.
- L. ICE Detainee - any person detained in a lockup in accordance with the IGSA.
- M. ICE ERO - Immigration and Customs Enforcement Enforcement Removal Operations
- N. Inmate - any person confined in a prison or jail, not being held under the IGSA
- O. Inter-Governmental Service Agreement (IGSA) - A cooperative agreement between ICE and any state, territory, or political subdivision.
- P. Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- Q. Jail - a confinement facility of a Federal, State or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- R. Juvenile - any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- S. Law Enforcement Staff - employees responsible for the supervision and control of detainees in lockups.
- T. Lock up - facility that contains holding cells, cell blocks or secure enclosures that are:
  - 1. Under the control of law enforcement, court or custodial officer; and
  - 2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from court, jail, prison or other agency.
- U. Medical Practitioner - A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.
  - 1. A 'qualified medical practitioner' refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
    - a. MOA Memorandum of Agreement in place – Project Help
    - b. Victims of sexual abuse are evaluated and treated in accordance to or of:
      - 1. Jail Policy & Procedure 8.27- 2; Jail Policy & Procedure 6.03
      - 2. Inmate health care for CCSO Jail facilities is provided by a private medical health care purveyor under contractual agreement with the Sheriff. The contract health care purveyor furnishes professional medical, mental, dental and substance abuse services to ICE detainees incarcerated in CCSO Jail facilities.
- V. Mental Health Practitioner - A mental health professional that, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.

1. A 'qualified mental health practitioner' refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
  - a. MOA Memorandum of Agreement in place - Project Help
  - b. Victims of sexual abuse are evaluated and treated in accordance to or of:
    1. Jail Policy & Procedure 8.27; Jail Policy & Procedure 6.03
    2. Inmate/ ICE detainee health care for CCSO Jail facilities is provided by a private medical health care purveyor under contractual agreement with the Sheriff. The contract health care purveyor furnishes professional medical, mental, dental and substance abuse services to inmates/ ICE detainees incarcerated in CCSO Jail facilities.
- W. Pat-down (Custodial) Searches - a running of the hands over the clothed body of an inmate, detainee or resident by an employee to determine whether the individual possesses contraband.
- X. PREA Prison Rape Elimination Act (2003) - a federal law enacted in 2003, created to eliminate any form of sexual abuse in confinement. This legislation mandates national standards for the detection, prevention and punishment of prison rape and mandates national data collection efforts.
- Y. Prison - an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length or a felony.
- Z. Security Staff - employees primarily responsible for the supervision and control of inmates, detainees or residents in housing units, recreational areas, dining areas and other program areas of the facility.
- AA. Sexual Abuse - includes following provisional elements.
  1. Sexual Abuse of an inmate, ICE detainee or resident by another inmate, detainee or resident and;
  2. Sexual Abuse of an inmate, ICE detainee or resident by staff member, contractor or volunteer
- BB. Sexual Abuse of an inmate, ICE detainee or resident by another inmate, detainee or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse.
  1. Contact between the penis and the vulva or penis and the anus, including penetration however slight;
  2. Contact between the mouth and the penis, vulva or anus;
  3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument and;
  4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation.
- CC. Sexual Abuse of inmate, ICE detainee or resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, ICE detainee or resident.
  1. Contact between the penis and the vulva or penis and the anus, including penetration however slight;
  2. Contact between the mouth and the penis, vulva or anus;
  3. Contact between the mouth and any body part where the staff member, contractor or

4. volunteer has the intent to abuse, arouse or gratify sexual desire; Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
  5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
  6. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in paragraphs (1 – 5)
  7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident and;
  8. Voyeurism by a staff member, contractor or volunteer.
- DD. Sexual Harassment - includes following provisionary elements.
1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, ICE detainee or resident directed toward another; and
  2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.
- EE. Sexual Misconduct - shall be inclusive of any behavior or act of a sexual nature directed toward an inmate/ ICE detainee. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual abuse, sexual harassment, sexual contact, sexual battery, conduct of sexual nature or implication, obscene conversations or correspondence of a romantic or sexual nature and unreasonable invasion of privacy.
- FF. Staff - Employees
- GG. Strip Search - a search that requires a person to remove or arrange some or all clothing so as to permit visual inspection of the person's breasts, buttocks or genitalia.
- HH. Substantiated Allegation - an allegation that was investigated and determined to have occurred.
- II. Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- JJ. Unfounded Allegation - an allegation that was investigated and determined to not have occurred.
- KK. Unsubstantiated Allegation - an allegation that was investigated and the investigation produced insufficient evidence to make a final decision as to whether or not the event occurred.
- LL. Virtual Scanner Search - virtual scanner search is performed using virtual imaging and a trained operator.
- MM. Volunteer - an individual who donates time and effort on a reoccurring basis to enhance the activities and programs of the agency.

- NN. Voyeurism by staff member, contractor or volunteer an invasion of privacy of an inmate, ICE detainee or resident by staff for reasons unrelated to official duties, such as peering at an inmate/ ICE detainee who is using a toilet in his or her cell to perform bodily functions; requiring an inmate/ ICE detainee to expose his or her buttocks, genitals or breasts or taking images of all or part of an inmate's/ ICE detainee's naked body or of an inmate/ ICE detainee performing bodily functions.
- OO. Youthful Inmate - any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

#### 15.01-4 ICE DETAINEE EDUCATION:

- A. During the intake/booking process, all ICE detainees shall receive information explaining the CCSO's zero-tolerance regarding sexual abuse and sexual harassment to include:
1. How ICE detainees can protect themselves from becoming victims while incarcerated;
  2. Treatment options (counseling, programs, etc.) available to victims of sexual assault;
  3. Methods of reporting incidents of sexual abuse/assault;
- ICE detainees will also be issued an ICE/ERO "Sexual Abuse and Awareness" pamphlet in their preferred language.
- B. Within 30 days of intake / booking process, all ICE detainees shall receive a more comprehensive education via the inmate orientation video, on their rights to be free from sexual abuse and sexual harassment, free from retaliation for reporting such incidents, and the agency's policy for responding to such incidents.
- C. ICE detainee education shall be provided continuously and readily available through:
1. Inmate/ ICE detainee Handbook
  2. Inmate/ ICE detainee Orientation
  3. Informational Posters / Pamphlets
  4. Kiosk
- D. Appropriate steps shall be taken to ensure that ICE detainees with disabilities (hearing, vision or intellectually impaired) or language differences have an equal opportunity to participate in or benefit from all aspects of CCSO Jail Division's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Appropriate steps shall include providing access to interpreters and/or written materials.
- E. Staff Members shall refer to CCSO Operations Manual Chapter P-3, Section 5 for detailed direction and outline of responsibilities in responding to and assisting inmates/ ICE detainees with disabilities.

#### 15.01-5 STAFF TRAINING:

- A. All staff shall be trained to:
1. Understand the agency's zero-tolerance for sexual abuse and sexual harassment.
  2. Recognize the physical, behavioral, and emotional signs of sexual assault.
  3. Understand the identification and referral process when an alleged sexual assault occurs.
  4. Have a basic understanding of sexual assault prevention and response techniques.
  5. Understand the responsibility of prevention, detection, reporting, and response to sexual abuse and sexual harassment.
  6. Know that ICE detainees have the right to be free from sexual abuse and sexual harassment.

7. Comply with relevant laws related to mandatory reporting of sexual abuse.
  8. ICE detainees and staff have the right to be free from retaliation for reporting sexual abuse and sexual harassment.
  9. Know the dynamics of sexual abuse and sexual harassment in confinement.
  10. Know how to avoid inappropriate relationships with ICE detainees.
  11. Know how to communicate effectively and professionally with ICE detainees to include lesbian, gay, bisexual, transgender, intersex, or gender nonconforming ICE detainees.
- B. All contract Medical and Mental Health practitioners working in CCSO jail facilities must be trained to:
1. Detect and assess the signs of sexual abuse and harassment.
  2. Preserve physical evidence of sexual abuse.
  3. Report allegations or suspicions of sexual abuse and sexual harassment.
  4. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
- C. All staff will receive annual refresher training to include:
1. Inmate/ ICE detainee sexual abuse/assault awareness, prevention, response, and reporting procedures.
  2. Inmate/ ICE detainee sexual abuse/assault confidentiality requirements.
- D. Detectives conducting these types of investigations shall receive specialized training to include:
1. Techniques for interviewing sexual abuse victims
  2. Proper use of Miranda and Garrity warnings
  3. Evidence collection in confinement settings
  4. Criteria and evidence required to substantiate a case for Administrative action or Prosecution referral.
- E. The Training Bureau shall maintain all training documentation, to include curriculum, attendance, and any subsequent training conducted for PREA compliance purposes.

#### 15.01-6 PREVENTION AND SCREENING:

- A. The *PREA Intake Screening / Risk Assessment Form* must be completed on all ICE detainees entering the Naples or Immokalee Jail Facilities. The information collected during the initial screening will be used to determine the ICE detainee's risk of victimization or abusiveness and to ensure the safety of each ICE detainee in the facility. The initial classification process and initial housing assignment should be completed for every ICE detainee within twelve hours of admission to the facility.
- B. The *PREA Intake Screening / Risk Assessment Form* shall be conducted by Contract Medical Staff and the Booking Supervisor (or designee).
- C. The *PREA Intake Screening / Risk Assessment* shall consider at a minimum:
1. Previously experienced sexual victimization
  2. ICE detainee's own perception of vulnerability
  3. Prior convictions for sex offenses against an adult or child
  4. Criminal history is exclusively nonviolent
  5. If gay, lesbian, bisexual, transgender, intersex, or gender nonconforming
  6. Previous incarceration
  7. Mental, physical or developmental disability
  8. Age of and physical build of ICE detainee
  9. If detained solely for immigration purposes

- D. Additionally, Correctional (booking) Staff shall assess the inmate for risk of being sexually abused or sexually abusive by reviewing:
1. Prior acts of sexual abuse
  2. Prior convictions for violent offenses
  3. History of prior institution violence or sexual abuse
- E. ICE detainees refusing to answer, unable to answer, or who do not disclose complete information during the screening process may not be disciplined. ICE detainees refusing to disclose information during the screening process will be referred to the PREA Compliance Manager, and if necessary, Contract Medical Staff, for a follow-up interview. Follow-up interviews shall be completed within 72 hours of the initial intake process. Documentation of a refusal to disclose information shall be noted on the *PREA Intake Screening / Risk Assessment Form* and a JGIM report.
- F. Information obtained during the initial screening will be used by Classification to determine the housing assignment of each ICE detainee as well as programs participation. ICE detainees identified as a high risk of being sexually victimized will be evaluated on a case-by-case basis to ensure the safety of each ICE detainee throughout their incarceration.
- G. The case-by-case evaluation process shall also be utilized for transgender or intersex ICE detainees in determining housing assignment and program participation. Such placement must ensure the ICE detainee's health and safety as well as consideration for additional management or security concerns. All ICE detainees receive a classification review every 60 days.
- H. Upon reviewing the information obtained from the *PREA Intake Screening*, ICE detainees that are considered at a high risk for sexual victimization shall only be placed in involuntary segregation (Protective Custody) if there is no alternative housing available. Such placement should not exceed a period of 30 days; PREA Compliance Manager or Classification Supervisor must clearly document the need to exceed 30 days and reason for no alternative housing available. ICE/ERO will be notified if an ICE detainee is placed in segregation.
- I. If during the screening process an detainee reports having been a victim of sexual abuse or has previously perpetrated sexual abuse whether it occurred in an institutional setting or in the community, staff shall immediately refer the ICE detainee to the PREA Compliance Manager and Contract Medical / Mental Health Services for a medical and/or mental health follow up as appropriate. When a referral for medical follow up is initiated, the detainee shall receive a health evaluation no later than two working days from the date of assessment. When a referral for mental health follow up is initiated, the detainee shall receive a mental health evaluation no later than 72 hours after the referral.
- J. The PREA Compliance Manager or Classification Supervisor shall reassess each detainee's risk of victimization or abusiveness between 60 and 90 days from the date of initial assessment, and at any other time when warranted based upon the receipt of additional, relevant information or following an incident of abuse or victimization.
- K. An ICE detainee's risk level shall be reassessed when warranted due to a request, referral, or incident of sexual abuse or additional information that would affect the inmate's risk of sexual victimization or abusiveness.
- L. A transgender or intersex ICE detainee's own views with respect to his or her own safety shall be given serious consideration.

- M. Transgender and intersex ICE detainees shall be given the opportunity to shower separately from other inmates.
- N. The placement of a transgender or intersex detainee shall be consistent with the safety and security considerations of the facility, in consultation with medical or mental health staff. Placement and programming assignments for each transgender or intersex detainee shall be reassessed at least twice each year to review any threats to safety experienced by the detainee.
- O. The agency shall not place lesbian, gay, bi-sexual, transgender, or intersex detainees 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 judgement for the purpose of protecting such inmates.

#### 15.01-7 ICE DETAINEE REPORTING:

- A. ICE detainees shall be provided with multiple internal ways to privately report sexual abuse, sexual harassment, retaliation by other inmates, ICE detainees, or staff, staff neglect or violation of responsibilities that may have contributed to such incidents.
- B. Staff shall not rely on inmate/ICE detainee interpreters or inmate/ICE detainee assistants except in exigent or emergency circumstances where an extended delay in obtaining an effective interpreter could compromise the ICE detainee's safety or an investigation.
- C. Staff may privately report sexual abuse and sexual harassment of ICE detainees to their chain of command, PRB, tips line, or the Project Help hotline.
- D. During the orientation process, ICE detainees will be provided with information on different methods of reporting, to include:
  - 1. Inmate Request Forms
  - 2. Inmate Grievance (ICE detainee grievances and decisions will be sent to ICE/ERO)
  - 3. Verbal or written notification to a Deputy, Contract Medical Staff, Clergy Volunteer, or any staff member
  - 4. To a shift Supervisor during unannounced rounds (each shift)
  - 5. DHS ICE OPR
  - 6. ICE OPR JIC
  - 7. Consular Officials
- E. ICE detainees will also be provided with at least one way of reporting sexual abuse or sexual harassment using an external entity (i.e. Project Help).
- F. Agency staff shall accept reports of sexual abuse or sexual harassment regardless of the manner reported, verbally, in writing, anonymously and third party.
- G. Informational posters and brochures, which provide detailed information on how to report sexual abuse and sexual harassment on behalf of an ICE detainee, are posted in the Naples Jail lobby, Visitation Center and the Immokalee Jail lobby. Additionally, the Collier County Sheriff's office has an established website ([www.colliersheriff.org](http://www.colliersheriff.org)) that also provides detailed information for members of the public to report sexual abuse and sexual harassment on behalf of an ICE detainee.
- H. Emergency grievances regarding an allegation of sexual abuse, or that an ICE detainee is subject to a substantial risk of imminent sexual abuse will be given immediate attention. The staff member will ensure the ICE detainee is safe, and will notify their supervisor immediately.

Inmates submitting emergency grievances with malicious intent shall be subject to disciplinary action.

- I. If an ICE detainee files a grievance related to a sexual abuse claim, the CCSO shall issue a decision on the grievance within five days of receipt and shall respond to an appeal of the grievance decision within 30 days. (A report of all such grievances must be sent directly to the ICE/ERO FOD.) Facilities shall not impose a time limitation for detainees to file a sexual abuse and assault grievance.
- J. Grievances of a medical nature shall be immediately brought to the attention of proper medical personnel for further assessment.
- K. To prepare a grievance, a detainee may obtain assistance from another detainee, the housing office or other facility staff, family members, or legal representatives. Reasonable steps shall be taken to expedite requests for assistance from these parties.
- L. In accordance with FSS 944.35(4)(a) any staff member who knowingly or willfully fails to report (i.e. knowledge or suspicion) of any sexual abuse or sexual harassment of an ICE detainee or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in FSS 775.082 or FSS 775.083.
- M. ICE detainees that report allegations of sexual abuse while confined at another facility, the Chief of Corrections, or designee, will notify the appropriate agency official where the alleged abuse occurred within 72 hours of receiving the allegation. Documentation of such notification must be kept on file. ICE/ERO will also be notified.
- N. If a victim of sexual abuse is transferred between detention facilities, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services (unless the victim requests otherwise in the case of transfer to a non-ICE facility). If the receiving facility is unknown to the sending facility, the sending facility shall notify the FOD, so that the FOD can notify the receiving facility.

#### 15.01-8 RESPONSE TO ICE DETAINEE REPORT:

- A. Upon receiving information that an ICE detainee is subject to a substantial risk of imminent sexual abuse, the Collier County Sheriff's Office shall take immediate action to protect the ICE detainee.
- B. The jail administrator, or designee, shall report any allegation to ICE/ERO and the FOD as soon as possible, but no less than 72 hours after receiving the allegation. ICE/ERO will be responsible to notify JIC, OIG, and OPR.
- C. Actions taken in response to an incident of sexual abuse are outlined in the PREA Decision Trees (Addendum 2 and Addendum 3 and Booking Intake Addendum).
- D. Staff members are required to immediately report to their supervisor, any knowledge, suspicion, or information regarding an incident of:
  - 1. Sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency, including third-party and anonymous reports;
  - 2. Retaliation against ICE detainees or staff who reported such an incident;
  - 3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- E. Any incidents involving CCSO members shall be reported to PRB.

- F. Incidents involving criminal conduct will be investigated by CID, in cooperation with ICE/ERO.
- G. Upon learning of an allegation that an ICE detainee was sexually abused, the first deputy to respond shall be required to follow the First Responder protocol:
1. Separate the alleged victim and abuser
  2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Keep in mind that evidence may be available even days after the incident.
  3. Request that the alleged victim and alleged abuser not take any actions that could destroy physical evidence, including as appropriate, showering, brushing teeth, changing clothes, using the bathroom, drinking or eating.
- H. CCSO and *Project Help* have entered into a memorandum of agreement whereas *Project Help* will provide confidential services in accordance with Prison Rape Elimination Act to include:
1. Providing all victims of sexual abuse access to forensic medical examinations and counseling. These forensic medical examinations are confidential and shall be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's) and are no cost to the victim.
  2. ICE detainees are provided access to outside victim advocates for emotional support services related to sexual abuse by providing 'charge free speed dial' telephone numbers to PREA Hotline – Project Help and for persons detained solely for civil immigration purposes, immigrant services agencies.
  3. The facility shall enable reasonable communication between ICE detainees and these organizations and agencies, in as confidential a manner as possible.
  4. The facility shall inform ICE detainees prior to giving them access to outside support services, the extent to which such communications will be monitored.
  5. Inmate Handbook received during intake outlines processes on reporting of sexual abuse and provides contact information regarding Project Help and counseling initiatives. ICE detainees receive Comprehensive PREA video education during First Appearance Court, reiterating Zero Tolerance Policy, Retaliation, and reporting of sexual abuse and harassment. Housing area interactive based kiosks and poster(s) provide PREA and Project Help information and contact number(s). Informative Jail Orientation video plays daily reviewing inmates rights, privileges, PREA, rules, regulations and behavioral expectations. Medical and Mental Health associated pamphlets are made available via Medical Treatment and contractual medical provider.
- I. All inmates/ICE detainees and staff who report sexual abuse or sexual harassment or cooperate with investigations of such conduct will be afforded protection from retaliation by other inmates/ ICE detainees or staff members. The PREA Compliance Manager will monitor retaliation for a minimum of 90 days following a report unless the allegation was unfounded. Instances of staff retaliation shall be reported to Jail Administration for action.
- J. For at least 90 days following a report of sexual abuse or assault, the facility, in concert with ICE/ERO, shall monitor to see if there are facts that may suggest possible retaliation by detainees or staff, and facility shall monitor to see if there are facts that may suggest possible retaliation by detainees or staff, and shall act promptly to remedy any such retaliation. Items the facility should monitor include any detainee disciplinary reports, housing, or program changes, or negative performance reviews or reassignments by staff. The facility shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- K. Collier County Sheriff's Office shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

- L. Refer to Jail Division Policy & Procedure Manual Chapter 8, Section 22 for Preservation of the Crime Scene.

15.01-9 PROMPT AND EFFECTIVE INTERVENTION:

- A. Staff sensitivity toward inmates who are victims of sexual abuse/assault is critical. Staff shall take seriously all statements from inmates that they have been victims of sexual assaults and respond supportively and non-judgmentally.
- B. Any inmate who alleges that he or she has been sexually assaulted shall be offered immediate protection from the assailant and shall be referred for a medical examination as well as a clinical assessment of the potential for suicide or other related symptomatology. The inmate identified as the alleged assailant of the sexual abuse shall be removed from the housing area and secured in an isolation cell. The inmate identified as the alleged assailant shall remain in isolation until the conclusion of the investigation and/or Classifications Lieutenant (or designee) has conducted a review of the alleged assailant's classification status.
- C. Victims and vulnerable detainees shall be housed in a supportive environment that represents the least restrictive housing option possible (e.g. in a different housing unit, transfer to another facility, medical housing, or protective custody), and that will, to the extent possible, permit the victim the same level of privileges he/she was permitted immediately prior to the sexual assault. This placement should take into account any ongoing medical or mental health needs of the victim.
- D. Victims may not be held for longer than five days in any type of administrative segregation for protective purposes, except in highly unusual circumstances or at the request of the victim. The facility shall notify the appropriate ICE/ERO FOD whenever a detainee victim, or detainee placed due to vulnerability to sexual abuse or assault, has been held in administrative segregation for 72 hours.
- E. The initial medical examination and clinical assessment will be conducted by Contract Medical Staff and/or *Project Help*; if Medical Staff requests for a Project Help representative to respond, the O.I.C. must make immediate notification to *Project Help* that an inmate is a victim of a sexual abuse/assault. Refer to Jail Policy & Procedure Manual Chapter 6, Section 3 for Inmate Care and Treatment.
- F. The facility shall provide services to victims of sexual abuse/assault and sexual harassment incidents and/or allegations. Services shall include:
1. On-site emergency care and crisis intervention:
    - a. ICE detainee victims of sexual abuse shall 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 judgement.
    - b. 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 shall take preliminary steps to protect and shall immediately notify the appropriate medical and mental health practitioners.
    - c. ICE detainee victims of sexual abuse while incarcerated shall be 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.
    - d. Emergency medical and mental health services shall be 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.

- G. Initial evaluation and treatment as well as follow-up treatment and if necessary continued care upon release from custody.
1. Ongoing medical and mental health care for sexual abuse victims and abusers.
    - a. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all ICE detainees who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.
    - b. The evaluation and treatment of such victims shall 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.
    - c. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
    - d. ICE detainee victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
    - e. If pregnancy results from the conduct described in paragraph 9 (d.) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
    - f. ICE detainee victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
    - g. Continuity of care services shall be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- H. When a staff member(s) is alleged to be the perpetrator of ICE detainee sexual abuse/assault, the Jail Administrator shall be advised immediately. The Jail Administrator or designee shall refer the incident directly and in a timely manner to the Professional Responsibility Bureau (PRB) through the chain of command.
- I. When an ICE detainee is alleged to be the perpetrator, it is the Jail Division Investigation Unit's responsibility to ensure that the incident is promptly investigated and charges filed as determined.

#### 15.01-10 SUPERVISION / MONITORING:

- A. The Naples Jail Center shall develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect ICE detainees against sexual abuse.
- B. ICE detainees shall be able to shower, perform necessary bodily functions, and change clothing without staff members of the opposite gender viewing such actions, except in exigent circumstances (responding to an emergency) or if such viewing is incidental to routine jail checks.
- C. If a staff member is assigned to work in a housing area of the opposite gender, an announcement at the beginning of shift informing inmates that a staff member of opposite gender will be working the housing area must be made and documented on the Post Log.
- D. Additionally, prior to a staff member entering a housing area of the opposite gender (male entering female housing area or female entering male housing are) must announce his/her presence prior to entering the housing area. Documentation of announcement shall be made on the Post Log.
- E. Supervisors (rank of Sergeant and above) shall conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds

shall be conducted on each shift and shall be conducted without staff alerting other staff members of occurrence. Documentation of unannounced rounds shall be made by the supervisor on the housing post log.

- F. The Correction Division Command Staff and in consultation with the PREA Coordinator shall conduct yearly reviews of the staffing plan and document whether adjustments are needed. This yearly review shall be completed in conjunction with the yearly budget review. In calculating adequate staffing levels and to determine the need for video monitoring, facilities shall take into consideration (not limited to) the following:
1. Accepted detention and correctional practices;
  2. Any judicial findings of inadequacy;
  3. All components of the facility's physical plant;
  4. The composition of the inmate population;
  5. The number and placement of supervisory staff;
  6. Any applicable State or local laws, regulations, or standards;
  7. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  8. Any other relevant factors

#### 15.01-11 INVESTIGATIONS:

- A. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require 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
- B. All allegations including third party and anonymous reports shall be investigated promptly, thoroughly and objectively. An investigator must:
1. Gather all facts and preserve evidence to include direct and circumstantial evidence, physical and DNA evidence and electronic monitoring data.
  2. Review prior complaints / reports of sexual abuse involving the alleged perpetrator.
  3. Interview alleged victim(s), alleged perpetrator and witnesses.
  4. An effort to determine whether actions or failures to act at the facility contributed to the abuse.
- C. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- D. The CCSO shall coordinate with ICE/ERO and other appropriate investigative entities to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse. All investigations must be prompt, thorough, objective, fair, and conducted by specially trained, qualified investigators. A written report will be completed for each administrative investigation, which shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Retention of such reports for as long as the alleged abuser is detained or employed by the agency or facility, plus five years.
- E. All administrative investigations involving CCSO members shall be conducted by PRB. Administrative investigations not involving CCSO members shall:
1. Determine whether staff actions (or failure to act) contributed to abuse.
  2. Document description of the physical and testimonial evidence.
  3. Document reasoning behind credibility assessments.
  4. Facts and findings of the investigation.

- F. Evidentiary standard for administrative investigations shall impose no higher standard than a preponderance of the evidence. Substantiated allegations that appear to be criminal shall be referred for prosecution.
- G. Following an ICE detainee's allegation that a staff member has committed sexual abuse against the ICE detainee, the agency shall subsequently inform the ICE detainee (unless the agency has determined that the allegation is unfounded) whenever:
1. The staff member is no longer posted within the ICE detainee's unit;
  2. The staff member is no longer employed at the facility;
  3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- H. Following an ICE detainee's allegation that he or she has been sexually abused by another inmate/ICE detainee, the agency shall subsequently inform the alleged victim whenever:
1. The agency learns that the alleged abuse has been indicted on a charge related to sexual abuse within the facility; or
  2. The agency learns that the alleged abuse has been convicted on a charge related to sexual abuse within the facility.
- I. All such notifications or attempted notifications shall be documented.
- J. Information concerning the identity of an ICE detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the inmate-victim's welfare and for law enforcement/investigative purposes.
- K. If the alleged victim is a vulnerable adult under a State or local vulnerable persons statute, the CCSO shall report that information to the FOD and ICE ERO so ICE can report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- L. Upon completion of any investigation into an ICE detainee's allegation of sexual abuse, PRB and the PREA Compliance Manger must notify the ICE detainee the allegation has been:
1. Unfounded - The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.
  2. Exonerated - The incident occurred, but the action taken by the member(s) was deemed lawful and proper.
  3. Not sustained - The allegation was supported by insufficient evidence which could not prove or disprove the allegation.
  4. Sustained or Sustained In Part - The allegation was supported by sufficient evidence to justify disciplinary action against the member(s).
  5. Exceptional Closure – The circumstances were beyond the control of the CCSO, investigation closed.
  6. Policy Failure – The current policy does not address the specifics of this investigation and/or current policy is in error.
  7. No Further Investigation – Preliminary investigation reveals no further investigation is required; complaint does not merit further investigation.

In addition, the PREA Compliance Manger will document such notification was completed.

- M. ICE detainees shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following any administrative finding that an ICE detainee engaged in inmate/ ICE

detainee -on-inmate/ ICE detainee sexual abuse or following a criminal finding of guilt for inmate/ ICE detainee-on-inmate/ ICE detainee sexual abuse.

- N. Collier County Sheriff's Office shall ensure protection measures are offered for all ICE detainees (victim, witnesses, or aggressor) involved in a sexual abuse/assault or sexual harassment incident. Protection measures shall include:
1. Housing reassignment
  2. Classification status
  3. Administrative Confinement and/or Protective Custody
  4. Review / monitor the conduct of ICE detainee's involved (minimum of 90 days after initial incident).
- O. Staff members shall be subject to disciplinary sanctions up to and including termination for violating the agency's sexual abuse or sexual harassment policy.
- P. Contract or volunteer staff that commit a violation of the agency's sexual abuse or sexual harassment policy shall be subject to corrective action up to credentials being revoked and access denied to CCSO facilities.
- Q. The CCSO shall also report all such incidents of substantiated abuse, removals, or resignations in lieu of removal to ICE/ERO, regardless of whether the activity was criminal, and shall make reasonable efforts to report such information to any relevant licensing bodies, to the extent known.
- R. Refer to Jail Division Policy & Procedure Manual Chapter 8, Section 22 for Preservation of the Crime Scene.
- S. Upon conclusion of a criminal investigation where the allegation was substantiated, an administrative investigation shall be conducted.
- T. Upon conclusion of a criminal investigation where the allegation was unsubstantiated, the facility shall review any available completed criminal investigation reports to determine whether an administrative investigation is necessary or appropriate.
- U. Administrative investigations shall be conducted after consultation with the appropriate investigative office within DHS, and the assigned criminal investigative entity.
- V. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

#### 15.01-12 RESPONSIVE PLANNING:

- A. To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- B. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- C. The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically

appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

- D. The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- E. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- F. To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

#### 15.01-13 DATA COLLECTION AND REVIEW:

- A. Collier County Sheriff's Office Jail Division shall be responsible for the collection of data. To ensure this process is completed in an accurate, uniform way, a standardized instrument and a set of definitions for every allegation of sexual abuse within each facility shall be used. Data collected will be reviewed and maintained from all incident based documents, including JGIM reports, investigation files, and sexual abuse incident reviews.
- B. An incident review shall be done within 30 days of a conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review team shall include Jail Command Staff with input from Lieutenants, Sergeants, Investigators, Medical / Mental Health practitioners and the PREA Coordinator.
- C. The review team shall consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Other factors to consider include:
  - 1. Motivated by race, ethnicity, gender identity; etc.
  - 2. Gang affiliation
  - 3. Examine the area where allegation occurred, noting possible physical barriers
  - 4. Adequacy of staffing levels
  - 5. Monitoring technology
- D. The review team will submit a final report of the findings including recommendations for improvement, to the Chief of Corrections and PREA Compliance Manager. The Collier County Sheriff's Office Jail Division shall implement the recommendations for improvement, or shall document its reasons for not doing so. Both the report and response shall be forwarded to ICE/ERO for transmission to the ICE/ERO PSA Coordinator.

- E. In order to assess and improve effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, the Collier County Sheriff's Office Jail Division shall review data collected and aggregated pursuant to PREA Standard 115.87, for every allegation of sexual abuse.
- F. The facility shall conduct an annual review of all sexual abuse and assault investigations and resulting incident reviews to assess and improve sexual abuse and assault intervention, prevention, and response efforts. If the facility has not had any reports of sexual abuse and assault during the annual reporting period, then the facility shall prepare a negative report. The results and findings of the annual review shall be provided to the facility administrator and ICE/ERO for transmission to the ICE PSA Coordinator (this notification must be sent directly to the FOD).
- G. All data collected shall be kept in a secure manner and retained for a minimum of 10 years after the date of initial collection, unless Federal, State, or local law requires otherwise. All aggregated sexual abuse data should be made available to the public annually either via the agency's website or by personal request. Prior to public release of any information related to sexual abuse, Collier County Sheriff's Office shall remove all personal identifiers.

#### 15.01-14 AUDITING AND CORRECTIVE ACTION:

Effective August 20, 2013, a three year audit cycle shall be followed. The Naples Jail Center shall be audited at least once during this three year audit cycle.

CCSO shall cooperate with all DHS audits of the facility's compliance with sexual abuse and assault policies and standards, including by:

- A. In advance of and during the on-site audit, making available relevant documents, records, and other information as requested (including available videotapes and other electronically available data);
- B. Permitting auditors access to all areas of the facility;
- C. Permitting detainees to have private interviews with auditors, and to send confidential correspondence to the auditor; and
- D. Making available space suitable for interviews of detainees and staff. Upon request, the Facility shall also provide to DHS the results of any audits conducted of the facility against the DOJ "National Standards to Prevent, Detect, and Respond to Prison Rape," 28 C.F.R. Part 115.

#### 15.01-15 STATE COMPLIANCE:

In accordance with the Prison Rape Elimination Act of 2003, Collier County Sheriff's Office Jail Division will comply with the standards set forth and pursuant to 28 C.F.R. Part 115.

APPROVED BY  
SHERIFF KEVIN RAMBOSK