

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:		Yes _____	No _____	<u> X </u>	
Is this item using Federal Funds?		Yes _____	No _____	<u> X </u>	
Is this item using State Funds?		Yes _____	No _____	<u> X </u>	

Budget Account No: Fund Dept Unit Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item carries no fiscal impact.

Fixed Asset Number _____

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB

Contract Development and Control

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

 Wayne Condry

Department Director Human Resources

 Laura Beebe

Department Director Airports

This summary is not to be used as a basis for payment.



Palm Beach County Sheriff's Office
Corrections Operating Procedures

COP # 919.00

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SUBJECT: Inmate Rules and Disciplinary Process

INDEX AS: Inmate Rule and Discipline Process

ISSUED DATE:	SUPERSEDES DATE:	EFFECTIVE DATE:	REFERENCES:
01/04/77	03/18/21	06/01/22	ACA - 4-ALDF-2A-47, 2A-50, 3A-01, 3A-02, 6C-01 through 6C-18 FCAC - 11.03 through 11.12 FMJS - 13.02 through 13.12

- I. PURPOSE:** The purpose of this Corrections Operating Procedure is to establish a list of inmate rules and guidelines for the inmate disciplinary process.
- II. SCOPE:** This Corrections Operating Procedure applies to all Sheriff's Office personnel assigned to the Department of Corrections.
- III. DISCUSSION:** Inmates will be required to conform to the standards of conduct reflected in this policy. An inmate violating any facility rule or regulation may be subject to disciplinary action under the provisions of this policy. Inmates who knowingly violate a jail rule on two or more occasions may be punishable as a misdemeanor of the second degree.
- IV. DEFINITIONS:**
- A. Special Management Inmate - An individual who presents a serious threat to the safety and security of the facility, staff, general inmate population, or himself/herself.
 - B. Segregation Unit - A housing unit that separates inmates who threaten the security or orderly management of the institution from the general population.
 - C. Segregation - The confinement of an inmate to an individual cell that is separated from the general population. There are three forms of segregation:
 - 1. Administrative Segregation - A unit housing inmates whose continued presence in the general population poses a serious threat to life, property, self, staff, or other inmates. Administrative segregation may also include inmates on a court ordered or administrative telephone restriction.
 - 2. Disciplinary Detention - A unit housing inmates found guilty of serious or repeated rule violations.
 - 3. Protective Custody - A status that describes inmates requesting or requiring protection from others.
 - D. Inmate Handbook - Facility's rules of inmate conduct and sanctions for violations; it is provided to the inmates during the intake process.
 - E. Contraband - Anything not authorized for retention or receipt by the inmate and not issued through regular facility channels.
 - F. Disciplinary Committee - A committee of at least three members appointed by the division commander or designee to conduct a disciplinary hearing. The members may not have participated in the investigation or be named as witnesses in the case against the inmate.
 - G. Disciplinary Hearing Officer - An individual appointed by the division commander or designee to conduct a disciplinary hearing. The individual must hold the rank of sergeant or higher and may not have participated in the investigation or be a witness in the case against the inmate.
 - H. Resolution of Minor Infractions - The resolution of any minor infraction by the investigating staff member through sanctions listed in this policy.
 - I. Major Infractions - Category I or II offenses
 - J. Minor Infractions - Category III or IV offenses

V. PROCEDURES:

- A. Each inmate shall be provided with a copy of the Inmate Rules & Regulations Handbook during the admission process. Inmates will be required to sign (or initial) that they have received a copy of these rules and regulations.
- B. The inmate is responsible for keeping their handbook while incarcerated by the Palm Beach County Sheriff's Office (PBSO) detention facilities and returning it upon release from custody.
- C. Staff members shall answer questions from inmates regarding the inmate rules and regulations to help them understand and follow the rules. Translation services are also provided.
- D. All personnel that work with inmates receive sufficient training so that they are thoroughly familiar with the rules of conduct, and rationale for and the sanctions available.
- E. Rules of inmate conduct specify acts prohibited within the facility and the range of penalties that can be imposed for various degrees of violation. The rules are reviewed annually and updated, if necessary.
- F. An inmate is placed in disciplinary detention for a rule violation only after a hearing.

VI. INFRACTIONS:**A. CATEGORY I OFFENSES:**

- 1-1 Battery of any staff member
- 1-2 Sexual battery
- 1-3 Making threats of sexual assault/battery to another
- 1-4 Setting a fire or tampering with an electrical outlet, fixture or fire detection / suppression device
- 1-5 Fighting
- 1-6 Battery of any person (other than a staff member)
- 1-7 Rioting or encouraging others to riot
- 1-8 Indecent exposure, lewd exhibitionism or obscene conduct
- 1-9 Escape, attempting or planning escape
- 1-10 Possession, attempted possession, or introduction of any explosive, ammunition, or other weapon
- 1-11 Throwing, tossing or expelling bodily, hazardous or chemical fluids or material

B. CATEGORY II OFFENSES:

- 2-1 Engaging in sexual acts with others
- 2-2 Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under the threat of informing
- 2-3 Being in an unauthorized area
- 2-4 Failing to stand or interfering with the taking of count
- 2-5 Tampering with or blocking any locking device
- 2-6 Possession or attempted possession of contraband (any item possessed by an inmate or found within the facility that is illegal by law or not authorized for retention or receipt by the inmate and not issued through regular facility channels)
- 2-7 Conduct which disrupts or interferes with the security or orderly running of the institution
- 2-8 Giving or offering any official or staff member a bribe, or anything of value
- 2-9 Refusing to obey an order of any staff member
- 2-10 Destroying, altering, damaging or defacing government property or the property of another person
- 2-11 Making or consuming intoxicants, or being intoxicated
- 2-12 Making sexual proposals
- 2-13 Wearing a disguise or non-issued facial covering

C. CATEGORY III OFFENSES:

- 3-1 Threatening another with bodily harm or any offense against his/her person or his/her property
 - 3-2 Refusing to work, encouraging others to refuse to work, or participating in work stoppage
 - 3-3 Engaging in or encouraging a group demonstration, unauthorized meeting or gathering
 - 3-4 Stealing (theft)
 - 3-5 Insolence toward a staff member
 - 3-6 Lying or providing a false statement to a staff member
 - 3-7 Mutilating, altering, or misuse of issued clothing, bedding, linen, or mattress
 - 3-8 Misuse of authorized medication
 - 3-9 Failure to identify oneself to any staff member when requested to do so
 - 3-10 Conduct that is disruptive or interferes with a regularly authorized program, service, or activity to include, but not limited to: recreation, visitation, canteen, religious programs, library, law library, substance abuse awareness programs, or clinic
 - 3-11 Violation of alternative custody program rules and regulations to include, but not limited to: tampering or destroying electronic monitoring equipment, failure to return to a facility or residence, or use of intoxicants
 - 3-12 Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security or official paper
 - 3-13 Loaning of property or anything of value for profit or increased return
 - 3-14 Unexcused absence from work or any assignment
 - 3-15 Failing to perform work as instructed by a staff member
 - 3-16 Tattooing or self-mutilation
 - 3-17 Unauthorized use of mail or telephone
 - 3-18 Giving money or anything of value to, accepting money or anything of value from, another inmate, a member of his/her family, or friends
 - 3-19 Smoking or possession of smoking paraphernalia
 - 3-20 Altering, damaging, tampering with or failure to wear wristband (identification band)
- D. **CATEGORY IV OFFENSES:**
- 4-1 Using abusive or obscene language
 - 4-2 Adulteration of any food or drink
 - 4-3 Gambling, preparing or conducting a gambling pool, possession of gambling paraphernalia, trading, bartering, or gambling for food trays
 - 4-4 Malingering or feigning an illness
 - 4-5 Failure to follow safety or sanitation regulations
 - 4-6 Using any equipment or machinery contrary to instructions or posted safety standards
 - 4-7 Being unsanitary or untidy, failing to keep one's person and one's quarters clean
 - 4-8 Unauthorized contact with the public
 - 4-9 Correspondence or contact with a visitor in violation of posted regulations
 - 4-10 Use of another inmate's identification or information

VII. DISCIPLINARY REPORTS AND HEARINGS:

- A. Any staff member witnessing or having reasonable belief that an inmate has committed a violation of the rules and regulations shall prepare an inmate disciplinary report and incident report. A separate disciplinary report and supporting documentation will be provided for each rule infraction.
 - 1. The inmate disciplinary report shall include:
 - a. Specific rule(s) violated
 - b. A formal statement of the charge
 - c. Any unusual inmate behavior
 - d. Staff and inmate witnesses (where the disclosure of witnesses would endanger the welfare of the inmate or staff member, the names of informants shall be maintained in a confidential file)

- e. An explanation of the event, including details of the infraction, who was involved, what transpired the time, date and location of the occurrence
 - f. Any physical evidence and its disposition (do not attach any sharps)
 - g. Any immediate action taken by staff members, including use of control
 - h. Reporting staff member's signature, date, and time of report
2. The reporting employee shall forward the disciplinary report, along with any supporting documentation (i.e. inmate incident report) to the shift or section supervisor.
 3. The supervisor shall review the report and supporting documents and cause the investigation to be completed. After the investigation has been completed, the disciplinary report is forwarded to the disciplinary coordinator.
 4. The disciplinary coordinator shall log the document, attach a disciplinary hearing form, and cause the hearing process to move forward.
- B. Criminal Prosecution - Where an inmate allegedly commits an act covered by criminal law, the supervisor will forward a copy of all related reports to the jail investigator. The jail investigator shall determine whether or not the information will be filed with the State Attorney's office for prosecution.
- C. Pre-Hearing Segregation - Segregation is authorized for inmates who are charged with a rule violation (normally category I or II offenses) and whose continued presence in general population would pose a serious threat to themselves, other inmates, staff, property, or the security and orderly running of the facility. The watch commander or designee can order immediate segregation when it is necessary to protect the inmate or others. The division commander or designee shall review the justification for segregation within seventy two (72) hours. Inmates placed in pre-hearing segregation, who pose a serious threat to the safety of staff or others may be restricted from recreation and/or visitation pending review by the segregation review committee.
- D. Investigations:
1. When an alleged rule violation is reported, the shift supervisor will cause an appropriate investigation to determine if the circumstances support the charges. The investigation shall begin within twenty-four (24) hours from when the violation is reported and will be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.
 2. An inmate charged with a rule violation shall receive a written statement of the charges (a copy of the disciplinary report), including a description of the incident and specific rule violated by the investigating officer. The inmate is given the statement at the same time that the disciplinary report is filed with the disciplinary coordinator - no less than twenty four (24) hours prior to the disciplinary hearing. The hearing may be held within twenty four (24) hours with the inmate's written approval. The investigator will record in the appropriate box of the disciplinary report the time, date, and his/her signature of the delivery of charges.
 3. At the time the charges are delivered to the inmate, the investigator will inform the inmate that a hearing will be held no later than five (5) days (excluding weekends and holidays) after the incident. The inmate will have no less than twenty four (24) hours prior to the hearing to prepare his/her defense, unless the inmate has elected to waive the twenty four (24) hour requirement. If the inmate chooses to waive this requirement, the waiver must be in writing and signed by the inmate. The officer shall also have the inmate note in the appropriate box of the disciplinary report the time and date of the signing of the waiver.
 4. Upon completion of the investigation, the investigating officer shall complete the appropriate portion of the disciplinary report and forward the report to the facility's inmate discipline coordinator or designee.
 5. Informal resolution of minor infractions: Incidences involving no serious injury, damage to a facility or if a deputy is not involved can be resolved informally.
- E. Disciplinary Hearing, Findings and Action:

1. An impartial disciplinary committee or hearing review officer, as determined by the division commander, shall conduct a hearing for rule violations. Any member of the disciplinary committee or any person appointed as a disciplinary committee member shall be disqualified if he/she has any involvement in the case against the inmate or investigated the violation.
2. The disciplinary committee's or hearing officer's findings shall enumerate the specific facts derived from the disciplinary report, investigation, or the witness statements and what specific evidence was used in the disciplinary team's or hearing officer's conclusion.
3. The disciplinary committee or hearing review officer may decide to postpone or continue the hearing beyond the established time constraints for a reasonable period and for good cause. Reasons for granting a postponement or continuance are documented and may include, but are not limited to:
 - a. Preparation of a defense within a reasonable time frame agreed upon by the committee
 - b. Illness
 - c. Unavailability of the inmate
 - d. Further investigation of factual matter relevant to the hearing
4. When holding a disciplinary hearing, the hearing officer, chairperson or a majority of the members shall have the authority:
 - a. To require the production of documents and/or call witnesses.
 - b. To review the inmate request for assistance, for witnesses requested by the inmate or for any evidence, which they wish to call or present provided, however, that witnesses shall not be called or certain information disclosed if doing so would create a risk of reprisal, undermine authority or otherwise present a threat to the security of the institution. No witnesses shall be called if it is clear that such testimony would be irrelevant, immaterial or repetitive. It is the responsibility of the Disciplinary Hearing Chairperson to evaluate the need for witness testimony in relation to the evidence of the case. Notifications shall be made in the report with reasons for declining to call requested witnesses or for restricting any information. The mere facts alone that an inmate witness is housed in another PBSO detention facility is not cause to deny the witness.
 - c. To offer a staff member to assist the inmate during the hearing when the inmate is apparently illiterate, has a language barrier or the complexity of the issues makes it unlikely that the inmate would be able to properly represent him or herself. The disciplinary hearing officer or committee, through the chairperson, should require the proper decorum throughout the disciplinary hearing. The hearing officer or disciplinary committee shall ensure the inmate understands the charge(s) and possible action(s) that can result.
5. The inmate charged with a rule violation shall have the following rights at a disciplinary hearing:
 - a. An inmate charged with rule violations shall be present at the hearing unless he/she waives in writing their right to attend the hearing, refuses to attend the hearing, or his/her behavior during the hearing justified removal there from. The absence of an inmate from a hearing and the reason therefore shall be documented.
 - b. To have the opportunity to make a statement and present documentary evidence at the hearing.
 - c. To request witnesses on their behalf, which may be limited in number by the disciplinary hearing committee or hearing officer when the evidence to be presented is unduly cumulative information. Justification for denying witnesses will be in writing.
 - d. The inmate shall receive a copy of the written decision.

- e. The inmate shall have the right to appeal the decision of the hearing officer or committee to the officer-in-charge or designee.
 - f. All steps in the disciplinary process shall be maintained as a written record. However, if the inmate is found not guilty, the disciplinary report shall be so noted and shall be removed from the inmate's file. The inmate disciplinary coordinator will maintain a separate file for such records, which are maintained for at least six months. If found guilty, the disciplinary reports, hearing minutes, and supporting documentation copies are placed in the inmate's classification file to be retained for a period of five (5) years.
6. The hearing officer or disciplinary hearing committee chair shall be responsible for completing the "hearing" portion of the disciplinary report, including the names of witnesses called and all restrictions recommended against the inmate during the hearing as well as the justification for the restrictions.
 7. The majority of the disciplinary hearing committee or the hearing officer's findings and recommendations shall meet the following guidelines:
 - a. Upon the conclusion of the hearing, the hearing officer or committee members, in closed deliberations, shall determine the validity of the charges and determine what sanctions should be imposed upon the inmate if found guilty. The decision shall be based solely on information obtained during the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.
 - b. Recommendations for discipline shall not be arbitrary, nor capricious, nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited.
 - c. If disciplinary confinement is recommended and imposed the time spent in disciplinary confinement shall be proportionate to the offense committed but in no event shall be greater than thirty (30) days per incident.
 - d. The hearing officer or chairperson will announce the findings and recommended sanctions to the inmate and record them, along with the reasons for the decision and evidence relied upon, in the "hearing" portion of the disciplinary report.
 - e. If the inmate is found guilty, the hearing officer or chairperson will advise the inmate of their right to appeal. All decisions of guilt shall be based solely on witnesses' evidence and documentation; a statement to this effect will be included on the hearing portion of the disciplinary report.
 - f. Once the hearing officer/disciplinary committee have decided the inmate's punishment, it may not be increased by the facility administrator/staff.
 8. The hearing officer or disciplinary committee shall make one of the following findings:
 - a. Dismiss the charge. If the charge is dismissed, the disciplinary report shall not be posted or placed in the inmate file. The dismissal of a disciplinary report may occur due to procedural errors, technical errors, or duplication of charges. A dismissal is without prejudice and may be rewritten and reprocessed under the same time constraints as new charges.
 - b. Not Guilty. If the inmate is found not guilty, the disciplinary report shall not be posted or placed in the inmate file. The inmate shall be found not guilty when the facts do not support the charge.
 - c. A written statement that shows what evidence the hearing officer/committee relied on for a guilty finding.
 9. Any disciplinary action (except loss of gain time) being imposed with any other disciplinary action should be clearly stated in the disciplinary report as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state concurrent or consecutive requirements, the disciplinary

- action shall be considered concurrent. Loss of gain time shall not be concurrent with any other loss of gain time and shall be cumulative.
10. If the inmate is found guilty, the disciplinary committee or hearing officer shall impose any one or a combination of the following actions:
- a. Restriction from and/or alternative access to, recreation, visiting, religious services, non-attorney related telephones privileges, and/or law library for a period not to exceed sixty (60) days. These sanctions may be imposed only when there is substantial reason to do so, or when the violation occurred during that particular activity.
 - b. Suspend any other privileges for a period of time not to exceed:
 - 1) 30 days for a Category I Offense
 - 2) 20 days for a Category II Offense
 - 3) 10 days for a Category III Offense
 - 4) 5 days for a Category IV Offense
 - c. Confiscate property (related to the offense).
 - d. Determine the disposition of contraband items.
 - 1) In addition to disciplinary action, inmates can also be required to pay for damaged, destroyed or misappropriated property or goods. Such cases will be referred to the Violent Crimes Division for criminal prosecution and restitution as appropriate.
 - e. Recommend loss of accrued gain time up to the maximum penalty:
 - 1) 15 days for Category I Offense
 - 2) 10 days for a Category II Offense
 - 3) 5 days for a Category III Offense
 - 4) 1 day for a Category IV Offense
 - 5) Generally, "Exceptional Industry Gain Time" will be forfeited unless "Good Conduct Gain Time" is specified. A specific number of days recommended for forfeiture shall be indicated. Whenever loss of gain time is recommended, a determination must be made that the inmate has accrued sufficient gain time in order for the forfeiture to be processed.
 - 6) For each sustained charge of escape or attempted escape, mutinous conduct, or other category 1 offense, all the commutation which shall have accrued in favor of a county prisoner up to that day shall be forfeited, except that in case of escape if the prisoner voluntarily returns without expense to the state or county then such forfeiture may be set aside if in judgment the prisoner's subsequent conduct entitles him or her thereto.
 - 7) All or any part of the gain-time earned by a county prisoner and any extra gain-time allowed him or her, if any, shall be subject to forfeiture for violation of any law of the state or any rule or regulation of the institution.
 - f. Removal from or reassignment of work duties (coordinated with Classification).
 - g. Housing reassignment (coordinated with Classification).
 - h. Remove inmates on supervised community release (In-House Arrest) from the program and assign them to a designated facility (coordinated with Alternative Custody and Classification).
 - i. Place the inmate in disciplinary confinement.
 - 1) This period of time may not exceed the maximum penalty for the violation as listed below.
 - (a) 30 days for a Category I Offense
 - (b) 20 days for a Category II Offense
 - (c) 10 days for a Category III Offense

- 2) Disciplinary confinement should be utilized only as a last resort. The time spent by an inmate in disciplinary confinement shall be proportionate to the offense committed.
 - 3) For the purpose of disciplinary confinement sanctions, a day is a twenty four (24) hour period beginning at the time the inmate is placed in disciplinary confinement.
 - 4) The maximum confinement sanction for rule violations is no more than thirty (30) days for all violations arising out of one incident.
 - 5) Continuous disciplinary confinement for more than thirty (30) days requires the review and approval of the division commander or designee.
 - 6) Inmates placed into disciplinary confinement have been found guilty of rule violations that directly impact the safety and security of a facility. Sanctions of any disciplinary confinement time include the loss of newspaper, canteen (except for necessary hygiene items) and personal phone calls. Recreation and visitation can be restricted if the inmate poses a substantial threat to staff or committed a violation in relation to recreation or visitation. Telephone privileges consist only of calls related specifically to accessing the judicial process and family emergencies, as determined by the division commander or designee.
 - 7) Juvenile inmates serving disciplinary sanctions may earn time off of their sanctions with good behavior. One day off sanctions for every day served without incurring a disciplinary violation.
11. The following are prohibited sanctions and may not be imposed as discipline:
 - a. Any form of dietary or nutritional restriction, or use of food or meals as punishment.
 - b. Any form of corporal or unusual punishment.
 - c. Any form of discipline imposed by another inmate.
 - d. Deprivation of clothing, bedding, or necessary personal hygiene items.
 - 1) This does not apply to those inmates who destroy such items or use them to harm themselves or others. In such cases, the division commander or designee will be notified and the decision to deprive the items will be reviewed daily.
 - e. The use of restraints as punishment.
 - f. Any form of interference with daily functions of living or hygienic needs, such as sleeping or use of toilet facilities.
 12. If an inmate has been placed in administrative confinement pending a disciplinary hearing and the committee subsequently recommends a term of disciplinary confinement, the disciplinary committee shall consider the time served in administrative confinement in determining the total number of days of recommended disciplinary confinement.
- F. Division Commander's Review - The division commander or designee shall review the report of the disciplinary hearing for the purpose of:
1. Ensuring the hearing officer or disciplinary hearing committee, as well as the hearing itself, conforms to policies and procedures.
 2. Agreement or reduction of the disciplinary sanctions, if any. The division commander, or designee, may not increase the sanctions recommended by the committee.
- G. Written Notification - The inmate discipline coordinator or designee shall provide the inmate with a completed copy of the disciplinary report.
- H. Hearing Record - The disciplinary report, disciplinary hearing and supporting documents are a record of the disciplinary process. A copy of this record shall be kept in the inmate's classification file only if found guilty. This record shall be retained for at least five (5) years.

- I. Appeals - All decisions of the hearing officer or disciplinary hearing committee may be appealed by the inmate utilizing the inmate grievance procedure to the Major of Security and/or Major of Operations or designee. Guidelines for appeals are as follows:
1. Appeals must be made within five (5) days, excluding weekends and holidays, from the date of the division commander's approval or modification of the sanctions. The inmate submitting an inmate grievance form will make the appeal.
 2. The Major of Security and/or Major of Operations or designee shall consider the appeal's merits based on the following criteria:
 - a. Was there substantial evidence to support the charge(s)?
 - b. Was there compliance with these policies and procedures?
 - c. Were the sanctions imposed proportionate to the offense committed?
 3. The Major of Security and/or Major of Operations or designee shall either affirm or reverse the decision and respond to the inmate in writing within five (5) days (excluding weekends and holidays) of the inmate grievance (appeal) being received by the grievance coordinator and recorded. A written record will be kept and maintained on all steps of the appeal.
 4. The Major of Security and/or Major of Operations or designee's decision is final.

SUBJECT: INTERACTIONS WITH TRANSGENDER INDIVIDUALS			
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RESCINDS			

CONTENTS:

This General Order consists of the following numbered sections:

- I. ADDRESSING INDIVIDUALS
- II. CALLS FOR SERVICE
- III. STOP AND FRISKS
- IV. SEARCHES
- V. TRANSPORT
- VI. JUVENILES IN CUSTODY

DISCUSSION:

This Order establishes procedures for the appropriate, safe and dignified interactions with transgender individuals by members of the Palm Beach County Sheriff's Office. This Order applies to all employees.

DEFINITIONS:

CISGENDER: Refers to a person whose gender identity is the same as their sex assigned at birth. A cisgender person is not transgender.

GENDER EXPRESSION: An individual's characteristics and behaviors; frequently expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.

GENDER IDENTITY: An individual's internal, deeply held sense of gender. This internal knowledge or sense of being male, female, another gender, or no gender which may or may not correspond to the individual's physical characteristics or sex assigned at birth. Gender identity may or may not be visible to others or expressed outwardly through a person's chosen pronouns, haircut, dress, behavior or voice.

GENDER NON-CONFORMING: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their sex assigned at birth or gender identity, or whose gender expression does not fit neatly into a category.

GENDER TRANSITION: Refers to a process by which a person takes steps to change their physical characteristics and/or gender expression to be consistent with their gender identity. Gender transition can include a person changing their name, undergoing hormone replacement therapy, undergoing surgical intervention, and/or updating legal documents such as a driver's license or passport.

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INTERSEX: Intersex people are individuals born with any of several variations in sex characteristics including chromosomes, gonads, sex hormones or genitals that, according to the UN Office of the High Commissioner for Human Rights “do not fit the typical definitions for male or female bodies”.

NONBINARY/GENDER FLUID: An adjective that describes a person who does not identify as either a man or a woman, but identify their gender as encompassing multiple genders or as outside the man/woman system of gender classification.

TRANSGENDER: A term describing an individual whose gender identity is different than those typically associated with their sex assigned at birth. The term “transgender” is an adjective. It is appropriate to say “transgender people,” but saying “some transgenders” would be viewed as disrespectful. A transgender woman is someone whose gender identity is female and was assigned male at birth, and a transgender man is someone whose gender identity is male and was assigned female at birth. Not all who consider themselves transgender individuals undergo medical treatment or surgical intervention in order to make it “match” their gender identity.

PROCEDURE:

I. ADDRESSING INDIVIDUALS AND PERSONAL NEEDS

- A. Employees shall address a transgender individual using the person’s clearly stated gender identity, including preferred name and appropriate pronouns. Employees who are unsure which pronoun is appropriate shall respectfully ask the transgender person which they prefer.
- B. If a person has not clearly stated their gender identity, but the person’s intended gender presentation is reasonably clear based on attire and other cues, the individual shall be treated in accordance with their expressed gender.
- C. Deputies shall avoid unnecessary personal questions regarding an individual’s anatomy or sexual history.
- D. Access to restrooms will be in compliance with FS 553.865.

II. CALLS FOR SERVICE

- A. All calls for service or complaints by transgender individuals shall be addressed and investigated in accordance with Sheriff’s Office policies.

III. STOP AND FRISKS

- A. Under no circumstances shall members of PBSO frisk any person for the purpose of viewing or assigning gender based on the person’s anatomy or genitalia or for any demeaning or harassing purpose.

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- B. Transgender, intersex, and gender-nonconforming individuals shall not be subject to more invasive frisk procedures than other individuals in the field.

IV. SEARCHES

- A. Under no circumstances shall members of PBSO conduct a search of any person for the purpose of touching, viewing, or evaluating the person's anatomy or for the purpose of assigning a gender.
- B. Before conducting any search of an individual who identifies as gender nonconforming, deputies conducting the search will ask the individual to be searched their preference with respect to the gender of the deputy conducting the search. This request will be honored absent exigent circumstances.
- C. Certain items (such as prosthetics, clothing, wigs, chest binders, and cosmetic items) may be central to a person's gender identity and gender expression.
1. Requests to remove identity-related items shall be consistent with requirements for the removal of similar items for cisgender individuals and shall not be removed unless required for law enforcement purposes.
 2. When practical, removal of these items shall be conducted in private.
- D. At no time shall a deputy refuse to search someone based on actual or perceived gender identity or gender expression.
- E. A deputy should be aware that the presence of needles may be indicative of a prescribed hormone treatment and/or therapy, not necessarily illegal drug use.

V. TRANSPORT

- A. Deputies shall transport transgender, intersex and/or gender-nonconforming individuals with other arrestees of the same gender identity and expression unless the individual has expressed a safety concern and wish to be transported alone.
- B. The transporting deputy shall state their starting and ending mileage, departure location and destination over the radio when transporting any transgender prisoner.

VI. JUVENILES IN CUSTODY

- A. Transgender juveniles shall be treated pursuant to this policy and afforded the same privileges and protections as other juveniles under local, state or federal law.

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1. Deputies shall interact with and process transgender juveniles in accordance with those laws and PBSO policy.

- B. Deputies shall not disclose to parents or guardians sensitive information they discover about an individual's gender identity, gender expression or sexual orientation.
 1. This information shall be kept private to avoid placing the juvenile at increased risk for violence or rejection in the home and to allow the juvenile to choose whether to provide the information.

 2. If the deputy determines through their training and experience the juvenile is in danger of possible harm, a parent/guardian or responsible adult may be informed.