



SANTA ROSA COUNTY SHERIFF'S OFFICE

General Order
Sheriff Wendell Hall



General Order: O-008		PREA (Prison Rape Elimination Act) LGTBI (Lesbian, Gay, Transgender, Bisexual, Intersex Inmates)		
Distribution: All Detention Members	Issue Date: 6/26/2015	Effective Date: 7/08/2015	Review Date: 6/23/2015	Review Responsibility: Capt. Barbara Stearns
Standard: PREA §115.11, 115.15			Rescinds/Amends: O-008 (1/18/2014)	Forms:

POLICY

This Order provides guidelines for the Santa Rosa County Sheriff's Office Detention Division for the Prison Rape Elimination Act (PREA) and National Health Care (NCCHC) Standards to facilitate the elimination of discrimination against; and address the appropriate classification, housing and treatment of; and provide for the specific safety, security and medical needs of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) inmates in a humane and respectful manner while maintaining the safety, security and good order of the Santa Rosa County Sheriff's Office Detention Division. It is the policy of the Santa Rosa County Sheriff's Office Detention Division to treat all persons, whether in custody or not, in a respectful, courteous and professional manner while maintaining safety and security. Discrimination or harassment of any kind based on sexual orientation or gender identity is strictly prohibited.

DEFINITIONS

Intersex: A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male, female, or combined male and female features. A person with an intersex condition is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered "standard" for either male or female.

LGBTI: An acronym that refers to lesbian, gay, bisexual, transgender and intersex individuals.

LGBTI Liaison: A designated Santa Rosa County Sheriff's Office Detention employee who shall provide a liaison between the LGBTI community and LGBTI related issues within the Detention Division.

Lesbian: Women who are sexually and emotionally attracted to women.

Pat-down search: Means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses a weapon or contraband.

Strip search: Means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender: Means a person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

Gender Non-Conforming: A person whose appearance or manner does not conform to traditional social expectations.

Cross Gender: A person of one gender who interacts with members of the opposite gender.

PROCEDURE

- I. The SRSO has zero tolerance for any staff sexual misconduct or sexual harassment directed towards LGBTI inmates or detainees. Any substantiated claim of sexual conduct, sexual contact or sexual harassment by a staff member towards an inmate or detainee may result in termination of the staff member's employment, referral for criminal charges, civil penalties, or other punitive actions as deemed appropriate.

A certified member of the same sex and in compliance with Florida State Statute (901.211) searches detainees, arrestee, inmates upon admission. (FCAC 9.03, 9.04) (FMJS 4.03)

The Statement of Search Form (SRCJ – 13-063) will be completed by the transgender/intersex arrestee, detainee, inmate choosing to have a male, female or both conduct the search.

The intake officer is responsible for notifying the medical staff and Classification that a transgender/intersex arrestee, detainee, inmate has been identified.

II. Communication

- A. All communication must be professional and without comments that could be deemed harassment.
- Sexual Harassment – Includes verbal statements or comments of a sexual nature to an inmate by all Agency members, Medical Staff, Mental Health Unit Staff, Facility Maintenance Staff, volunteers, Program staff, contractors, contract employees, official visitors and Agency representatives to include demeaning references to gender or derogatory comments about body or clothing; OR profane or obscene language or gestures. (G.O: O-123) [PREA §115.11]
1. Address the transgender inmate by last name or use the gender specific identifier appropriate to the inmate's gender identity expression such as Mr., Mrs., Miss, Ma'am, Sir, he, she, etc.
 2. Avoid using language that a reasonable person would consider demeaning, specifically, language aimed at a person's actual or perceived gender identity expression and/or sexual orientation.
 3. Questions relating to an inmate's gender identity or gender expression shall only be asked when necessary for ensuring proper classification, housing, and medical treatment.
 4. Questions relating to an inmate's gender identity or gender expression shall only be asked to protect the inmate's confidentiality and human dignity and avoid subjecting the inmate to abuse, humiliation, ridicule or assaults. If a sworn officer conducting a frisk or strip search discovers that an inmate is a transgender with the opposite external genitalia, **he/she shall immediately stop performing the search and notify his/her respective supervisor.**
 5. Staff will address LGBTI persons by their chosen name (including corresponding pronouns) or as "Inmate last name." A notation of the proper name and pronoun shall be made on each transgender inmate's classification record. At all times staff will use the proper pronoun corresponding to the individual's gender identity.
 6. SRSO will have zero tolerance for derogatory terms used towards members of the LGBTI community including LGBTI inmates.

III. Refusals

- A. If a transgender/gender non-conforming arrestee refuses to complete the "Statement of Preference" form or gender cannot be determined:

1. Notify the ACR supervisor.
 2. Security Operations supervisor will notify the Detention Major, if the Security Operations Supervisor cannot be reached, the Detention Major is to be notified.
 3. Detention Major
- B. The officers and Health Services provider must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical examination. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the review team communicates and attempts to receive confirmation. The metal detector will be utilized to scan the inmate prior to placement in a holding cell. The Review Team will consist of the following or designees:
1. Medical Health Services Administrator or Mental Health Counselor
 2. Detention Major
 3. Operations Security Lieutenant
 4. PREA Coordinator/Manager
- C. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel. (G.O.123) [PREA §115.15]

IV. Strip Searches

- A. A strip search of an arrestee during intake procedures will be accomplished only upon authorization of the shift OIC as outlined under the control of contraband policy. (G.O. O-051)
- B. When a strip search is required for a transgender/gender non-conforming arrestee, detainee or inmate, the search will be conducted by an officer and overseen by a supervisor or witnessing officer per the Statement of Preference form as signed by the arrestee, detainee, or inmate. The officer, supervisor or witnessing officer will be of the same sex that is listed on the Statement of Preference form as signed by the arrestee, detainee, or inmate.
- C. No law enforcement officer shall order a strip search within the agency or facility without obtaining the written authorization of the supervising officer on duty. (F.S.S. 901.211-5)
- D. Staff members of the same gender as the inmate shall conduct strip searches. Probable cause is needed to conduct strip searches. A completed Incident Report shall be signed by the shift supervisor in order to conduct such searches. (G.O: O-051)
- E. Each strip search shall be performed by a person of the same gender as the arrested person and on premises where the search cannot be observed by persons not physically conducting or observing the search pursuant to this section. Any observer shall be of the same gender as the arrested person. (F.S.S. 901.211-3)
- F. Strip searches will be conducted in the following instances: (G.O: O-051 Control of Contraband –V, C; F.S.S 901.211-2)
 - 1) All persons arrested and booked for any felony charge, after they have been booked and before being placed into pre-class housing. Prior authorization from the shift supervisor or designee is necessary.
 - 2) No person arrested for a traffic, regulatory, or misdemeanor offense, except in a case which is violent in nature, which involves a weapon, or which involves a controlled substance, shall be strip searched unless:

- a) There is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property; or
- b) A judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and therefore shall be incarcerated in the county jail. Strip searches will never be conducted as a punitive measure-ZERO TOLERANCE.

V. Classification

- A. Classification shall use the information from the risk screening to determine housing, bed, work, education, and program assignments with the goal of keeping separate LGBTI inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- B. Classification shall make individualized determinations on how to ensure the safety of each inmate.
- C. In deciding whether to assign a transgender inmate to a facility housing unit for male or female inmates, and in making other housing and programming assignments, Classification shall consider on a case-by-case basis whether a placement for permanent review and referrals for future training.
- D. An LGBTI inmate's own views with respect to his or her own safety shall be given significant consideration and recorded on their inmate record.
- E. Classification shall strive not to place LGBTI inmates in dedicated housing units solely on the basis of such identification or status, unless such placement is necessary for their safety, or such placement is in a dedicated housing, unit established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

