

Sheriff



Hendry County

STEVE WHIDDEN, SHERIFF

The Prison Rape Elimination Act (PREA) was established in 2003 by then President George W. Bush, which mandates the Department of Justice to establish standards addressing sexual assault/harassment in all correctional facilities. The goal of PREA is to eliminate sexual assault/abuse and harassment of those incarcerated.

The Hendry County Sheriff's Office Corrections Division prohibits all sexual activity between inmates and is committed to emphasizing a zero-tolerance of the sexual abuse and sexual harassment of inmates, either by staff or other inmates. When crimes are committed within the jail facility, the perpetrator and the victim of and witnesses to these crimes must be identified and evidence collected and preserved. Notwithstanding prosecution, any violation of this section, as determined by the administrator of the facility, constitutes sufficient cause for dismissal of the violator from employment, and such person may not again be employed in any capacity in connection with the correctional system.

**Nonconsensual Sexual Acts** – Contact of any person without his or her consent, or of a person who is unable to consent or refuse; contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina, or anus; penetration of the anal or genital opening of another person by a hand, finger, or other object.

**Abusive Sexual Contacts** – Contact of any person without his or her consent, or of a person who is unable to consent or refuse; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Excluding incidents in which the intent of the sexual contact is to harm or debilitate rather than sexually exploit.

**Inmate-on-Inmate Sexual Abuse/Assault** - One or more inmates touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act. Sexual acts or contacts between inmates, even when no objections are raised, are prohibited acts.

**Staff-on-Inmate Sexual Abuse/Assault** - Engaging in, or attempting to engage in a sexual act with any inmate or the intentional touching of an inmate's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between an inmate and a staff member, even when no objections are raised, are illegal.

Voyeurism by a staff member, contractor, or volunteer is an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties.

Sexual Harassment includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, official visitor, or agency representative, including demeaning references to gender or derogatory comments about body; or clothing; or profane or obscene language or gestures.

PREA requires an annual report to be filed with the Department of Justice, upon request. PREA also requires that all allegations of sexual assault/harassment reported in the facility(s) to be made public. These incidents must be classified under three categories:

**Substantiated allegation** – an allegation that was investigated and was found to have occurred.

**Unsubstantiated allegation** – an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether the event actually occurred.

**Unfounded allegation** – an allegation that was investigated and that investigation determined that the event did not occur.

### 2013 Sexual Assault/Abuse/Harassment Report

Incidents Reported	2
Substantiated (Sexual Harassment)	1
Unfounded (Sexual Abuse)	1
Unsubstantiated	0

### 2014 Sexual Assault/Abuse/Harassment Report

Incidents Reported	5
Substantiated	0
Unsubstantiated (Sexual Harassment)	3
Unfounded (Sexual Abuse; Sexual Harassment)	2

#### Corrective Action:

PREA standards require an incident review for each substantiated and unsubstantiated report occurrence. A team convenes within thirty days of the final findings to review the case and determine if any changes should be discussed based on the investigation findings. The sexual abuse incident review team will include at least the Detention Captain, Detention Lieutenant and PREA Coordinator. The team will also allow for input from other designated individuals such as mental health, medical, investigators and shift supervisors.

Please note that since 2014, HCSO in agreement with ACT (Abuse and Counseling Treatment) in Fort Myers, provided a direct hotline to their rape crisis line. All calls are logged, some of these call did not involve reporting any PREA related incidents however these calls were investigated to ensure inmate safety. Posters are in every pod and our holding cells providing inmates with information on how to report sexual abuse or suspicions of sexual abuse. Once in a housing pod every inmate is provided with an inmate information sheet which goes more in depth about PREA related topics. Every inmate within their first 30 days is given a more comprehensive education, which includes an orientation video and pamphlet on their rights while incarcerated as it pertains to PREA.

The Hendry County Sheriff's Office has a zero tolerance policy of all sexual assault/abuse/harassment. Report all sexual assault/abuse/harassment:

- To any staff member
- To the 24 hour Rape Crisis Hotline **239-939-3112**
- Or you may call **863-674-5606** for the Professional Standards Unit