

Palm Beach County Criminal Justice Commission

Date: 08/4/2020

Law Enforcement Agency Name: Palm Beach County Sheriff's Office

Agency Head responding to this questionnaire: Sheriff Ric L. Bradshaw

Re: Questions from Law Enforcement Roundtable Discussion on 07/29/2020

1. Where does PBSO stand in terms of participating in voluntary programs with ICE/DHS like the Basic Ordering Agreement/Warrant Service Officer agreements and holding people unconstitutionally based on ICE detainers. As a community organizer I have witnessed a community member saying that her husband was picked up by PBSO for an inquiry over some stolen nuts and bolts at the Home Depot (which she claims that her husband had actually paid for). By the time the wife went to the gun club to inquire, she was told that there was no charge filed against her husband, but the husband was held for ICE to come and be picked up. Also, most of the cases where the immigrant community are arrested and being held for ICE detainers are actually for non-violent traffic infractions. Is PBSO going to change their policy not to arrest people for minor traffic violations?

Response: PBSO does not participate in the "Warrant Service Officer" program with U.S. Immigration and Customs Enforcement (ICE). This program allows for local deputies to act on behalf of ICE to make Federal immigration arrests. PBSO makes arrests for violations of Florida State Statutes, not immigration laws.

PBSO has worked hard to build trust between police and the immigrant community. Examples include hosting a "Family Fiesta Resource Fair" for Hispanic residents in Lake Worth Beach, "Fiesta de Pueblo" in Greenacres, crime prevention outreach on local Hispanic media outlets, Police Athletic League events, and "Alternative Intervention Services" promoting education, assistance and resource management in the Hispanic and Haitian communities.

Roadway safety for everyone is of the utmost importance to PBSO. Most traffic violations are civil in nature and are enforced through education by means of a warning or a non-criminal traffic citation, rather than having to make a physical arrest.

PBSO, the Criminal Justice Commission (CJC), and other local organizations have partnered under the "MacArthur Safety and Justice Challenge" grant to reduce the jail population without diminishing public safety. Many of these initiatives specifically address "minor" offenses like failing to appear for a traffic violation. In part, because of these initiatives, Palm Beach County has incarceration rates much lower than the state average.

2. There have been instances where sheriff offices have refused to carry out eviction orders during 2008 housing crisis. There is still housing crisis existing in these times. Would PBSO make a commitment to not carry out eviction orders at least until COVID-19 crisis subsides?

Response: PBSO fully understands the crisis that has been created as a result of the COVID-19 pandemic. We will certainly follow Governor DeSantis' Executive Order on the moratorium that is currently in effect for evictions.



3. Most law enforcement agencies, including PBSO continue to have blanket practices that puts inmates in cells based on genitalia rather than their gender identity (even though DOJ from the last administration had provided guidelines against doing so). Is PBSO willing to commit to reform that policy?

Response: The Palm Beach County Sheriff's Office Jails use a classification decision tree to objectively place inmate in the appropriate housing unit.

Transgender or intersex inmate are housed on a on a case by case basis to ensure the health and safety of all inmates.

Under my tenure as Sheriff, the PBSO jails achieved full compliance with Prison Rape Elimination Act (PREA) initially in 2016 and again in 2019.

PREA Standard: 115.42(c); In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

4. PBSO jail has a grievance procedure. However, when I was in the gun club (arrested for civil disobedience and protesting) and was kept in isolation for 8 hours without water and held in jail for more than 12 hours after my bond was paid, I politely asked for a grievance form. But I was not given one. The officer I was talking to was dismissing my request by saying, "You are going home now. Why do you want to go through a grievance procedure? Just go home and be happy". This was unprofessional and creates an environment of no accountability. What is PBSO's answer to this?

Response: It's difficult to provide a response to an alleged isolated incident without additional information. With that said, our jail grievance procedures are well established and in accordance with ALL of our accrediting organizations: American Correctional Association (ACA), Florida Corrections Accreditation Commission(FCAC), National Commission on Correctional Health Care (NCCHC), Florida Model Jail Standards (FMJS), and Prison Rape Elimination Act (PREA). We undoubtedly have an environment of accountability at PBSO.

Additionally, our jail procedures require supervisors to make at least two rounds in every housing unit on each shift. This procedure allows inmates unimpeded access to jail supervision to address any concerns (a minimum of 6 opportunities each day). Note: The majority of the inmate population is housed in "direct supervision" units. These units have a deputy posted within the unit. ALL PBSO jail cells have water and toilet facilities.

5. Last month, when CHIP (COVID-19 Hotline for Incarcerated people) organized a peaceful solidarity event at the gun club, PBSO decided to block all entrances to the gun club blocking even families and bail bonds people from entering the premises. This violates the inmate's constitutional rights to due process. Is there going to be any accountability for this?

Response: PBSO's Tactical Intelligence Division took the necessary steps to ensure that safety measures were put into place to protect the peaceful protestors, along with all other persons in the area of Gun Club Road where the event took place. We take any alleged

violation of inmate's constitutional rights seriously and all accusations are thoroughly investigated. During the above mentioned protest periods (June 20-21, 2020) in question, PBSO jail personnel continued processing inmates as normal. Our inmate release report indicated that there was only minimal disruption in the inmate release procedure to include Posting Bond.

6. Do we know how many people were tested positive for COVID-19 in PBSO jails? What are the safety measures that have been incorporated so far to make sure there is adequate social distancing (per CDC guidelines)? Is there going to be transparency on the statistics?

Response: As of 7/26/20, the following information indicates (by site) the number of inmates who have tested positive for COVID-19:

MDC	WDC	Total
18	39	57

PBSO is committed to being transparent and we've taken some extraordinary steps to safeguard the health and safety of our inmate population which, in turn, has kept our positive tests dramatically lower than other correctional facilities around the state and country. We are following the recommendations from the CDC, but we've taken our established protocols well beyond those guidelines.

7. What are you going to do to ensure there is accountability for police brutality issues at the PBSO level?

Response: We have a system of internal checks and balances that not only provide us with an opportunity to ensure a high level of accountability for incidents of excessive force, but we also have training and policy in place to promote an environment for on-scene intervention before an incident even involves any excessive force. There's a multi-level supervisory review of all force that is used, as well as an independent objective review by Internal Affairs.

8. Some of us received information from Homeless community in John Prince park that they heard of plans of being moved (without choice) to the old county prison in Southern Blvd and that PBSO is carrying out the move. What is PBSO's stand in homelessness being criminalized in PBC?

Response: Homelessness is a complex and multi-faceted issue that presents many challenges. Most of the issues surrounding homelessness are not necessarily policing related. With that said, PBSO continues to work closely with our community partners in trying to work towards a viable solution. PBSO has a long and well established history of providing a wide range of services to our homeless population. We've coordinated large events like those with the PBC "Homeless Outreach Team" to individual acts of kindness like a deputy buying food or shoes for someone in need. PBSO will remain steadfast in our commitment to working with other PBC agencies, community partners, and nonprofit organizations to compassionately assist our homeless population.