

Category: Prison Rape Elimination Act (PREA)
Policy #: 17.8
Subject: Discipline
Purpose: To establish guidelines for proper sanctions of staff, contractors, volunteers and juveniles who commit acts of sexual harassment or sexual abuse in the Juvenile Detention Center.

I. Disciplinary Sanctions for Staff

1. Any employee of the Fort Bend County Juvenile Probation Department found to have committed sexual abuse or sexual harassment against any resident or program participant shall be subject to termination and possible criminal prosecution.
2. Disciplinary sanctions for violations of FBCJPD policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (See section 2.1 of the FBCJPD Policy and Procedures Manual for all personnel disciplinary procedures).
3. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal. It shall also be reported to any relevant licensing bodies.

II. Corrective action for Contractors and Volunteers

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal,
2. The Chief Juvenile Probation Officer shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of FBCJPD sexual abuse or sexual harassment policies by a contractor or volunteer.

III. Interventions and Disciplinary Sanctions for Residents

1. FBCJPD residents may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. (See section 9.26 of the FBCJPD Policy and Procedures Manual for formal review process).
2. Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, FBCJPD shall not deny the resident daily large-muscle exercise or

access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible.

3. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. When appropriate the FBCJPD shall offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. FBCJPD may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.
5. FBCJPD may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
7. FBCJPD may, in its discretion, prohibit all sexual activity between residents and may discipline residents for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

For a complete list of sanctions, prohibited sanctions, and consequences see Fort Bend County Juvenile Probation Department's Policy and Procedures Manual section 9.26.

Revised: 04/01/2015
Date

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Date

Adopted by the Juvenile Board: 6/10/2015
Date