

Category: Prison Rape Elimination Act (PREA)
Policy #: 17.1
Subject: Prevention Planning
Purpose: To establish guidelines for the Confidentiality of juveniles in the Juvenile Detention Center.

It is the policy of the Fort Bend County Juvenile Probation Department (FBCJPD) to take all prudent and reasonable precautions as required by PREA and TJJD standards to ensure the protection of all residents and program participants of the Fort Bend County Juvenile Probation Department (FBCJPD) from sexual abuse and sexual harassment by other residents, program participants, employees, and volunteers of the Fort Bend County Juvenile Probation Department.

I. Zero Tolerance

1. The Fort Bend County Juvenile Probation Department has zero tolerance for sexual abuse and sexual harassment in its facilities and programs. Sexual abuse and sexual harassment by any resident, program participant, Fort Bend County Juvenile Probation Department employee, volunteer, vendor, or intern against a resident or program participant is strictly prohibited. Any juvenile housed in any FBCJPD facility or participating in any supervised or education program who believes he/she has been a victim or a witness to sexual abuse or sexual harassment has the right to make an allegation to staff, FBCJPD internal hotline or directly to the Texas Juvenile Justice Department (TJJD). Juvenile wishing to contact TJJD directly will be given free and confidential access. All allegations of sexual abuse or sexual harassment shall be reported to TJJD and local law enforcement as required by law. The duty to report sexual abuse and sexual harassment extends to all employees of the Fort Bend County Juvenile Probation Department, volunteers, interns, contractors and public and private vendors of the FBCJPD. All allegations of sexual abuse and sexual harassment shall be investigated as per PREA and TJJD standards. This policy shall be published on the Fort Bend County Juvenile Probation Department website, be posted in the common area in each cluster of the Fort Bend County Juvenile Detention Center and be made available to the parents of juvenile residents in the form of a printed document.

2. The Executive Director of the Fort Bend County Juvenile Probation Department shall designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA requirements and standards. The FBCJPD Coordinator is also designated as the internal investigator and shall be trained in performing internal investigations that do not require full law enforcement investigations such as Sexual Assault allegations. The PREA Coordinator/Investigator is trained on internal investigative techniques utilizing the Reid Technique of Interviewing and Interrogation technique, techniques for interviewing juvenile sexual abuse victims, interviewing techniques for lesbian, bi-sexual, gay, and transgender residents and proper instruction of use of Miranda and Garrity warnings.

3. The Executive Director of the Fort Bend County Juvenile Probation Department shall designate a PREA First Responder for each of the shifts at the Fort Bend County Juvenile Detention Center.

II. Contracting With Other Entities for the Confinement of Residents

1. When contracting with other entities, whether public or private, for pre-adjudication detention post-adjudication residential, short-term acute care services or other services directly related to the rehabilitation of residents, the Fort Bend County Juvenile Probation Department shall require the contracted entity to adopt and comply with the PREA standards. Any entity currently contracted to provide pre-adjudication detention, post-adjudication residential, short-term acute care services, or other services directly related to the rehabilitation of residents with the Fort Bend County Juvenile Probation Department shall be required to adopt and comply with the PREA standards prior to contract renewal.

2. Prior to accepting any contract for pre-adjudication detention, post-adjudication residential, short-term acute care services, or other services directly related to the rehabilitation of residents, the contracting entity shall provide documentation stating said entity does comply with the PREA standards or shall submit documentation of said entity's plan to comply with the PREA standards.

3. The contracting entity shall agree to monitoring by the Fort Bend County Juvenile Probation Department or any other entity of the Fort Bend County Juvenile Probation Department's choice for compliance with the PREA standards at the contracting entity's expense.

4. Failure to permit or allow reasonable monitoring for compliance with the PREA standards shall constitute a breach of contract with the Fort Bend County Juvenile Probation Department

5. In the case of a breach of contract the Fort Bend County Juvenile Probation Department shall be entitled to all legal rights and remedies available under the laws of the United States, the State of Texas, and if applicable, the state in which the contracting entity is located.

III. Supervision and Monitoring

1. FBCJPD shall ensure for each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. FBCJPD shall take into consideration the following:

A. Generally accepted juvenile detention and correctional/secure residential practices;

B. Any judicial findings of inadequacy;

C. Any findings of inadequacy from Federal investigative agencies;

D. Any findings of inadequacy from internal or external oversight bodies;

- E. All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated);
 - F. The composition of the resident population;
 - G. The number and placement of supervisory staff;
 - H. Institution programs occurring on a particular shift;
 - I. Any applicable State or local laws, regulations, or standards; and
 - J. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
2. FBCJPD shall comply with the staffing plan except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances.
3. Fort Bend County Juvenile Detention Center (FBCJDC) shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios. This standard shall be met no later than October 1, 2017.
4. As necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.311, the agency shall assess, determine, and document whether adjustments are needed to:
- A. The staffing plan established pursuant to paragraph (a) of this section;
 - B. Prevailing staffing patterns;
 - C. The facility's deployment of video monitoring systems and other monitoring technologies;
 - D. The resources the facility has available to commit to ensure adherence to the staffing plan.
5. The FBCJDC shift supervisor's on duty shall conduct unannounced rounds during their shifts. The exception will be for only for exigent circumstances and must be documented. The policy shall be for all three shifts.
- A. All employees, interns, and volunteers of the Fort Bend County Juvenile Probation Department are strictly prohibited from announcing or communicating in any way to one another that unannounced visits are being conducted. Any employee, intern, or volunteer found to have communicated or announced to others the unannounced visits shall be subject to administrative sanctions
 - B. The FBCJPD's PREA Coordinator shall visit each program once per month excepting only for exigent circumstances.

IV. Limits to cross-gender viewing and searches

1. **Strip Search** - Strip searches shall be conducted by a staff member of the same gender as the juvenile based on a reasonable belief that a juvenile is in possession of contraband or if there is reasonable belief that the juvenile presents a threat to the facility's safety and security; this includes all new intakes, juveniles who have left the confines of the secure facility, and juveniles who have had contact with persons not employed by the department.

A. The juvenile shall be required to surrender all clothing. The clothing shall be thoroughly searched for contraband. The juvenile shall also be required to run their hands through their hair, and expose both sides of their hands and feet. The dignity of the juvenile shall be guarded during these searches. Another staff member of the same gender shall witness these searches.

B. A strip search shall be limited to a visual observation of the juvenile and shall not involve the physical touching of a juvenile.

C. A strip search shall be performed in an area that ensures the privacy and dignity of the juvenile.

D. The FBCJPD shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

2. **Pat Down** - A manual search of the juvenile's outer clothing by a staff member of the same gender as the juvenile. Another staff member of the same gender shall witness these searches.

A. Procedures for pat down searches:

Observe juvenile and get a general impression of juvenile attitude.

Explain each procedure to juvenile prior to procedure being performed.

Instruct juvenile to relinquish any contraband.

Communicate with juvenile in a calm manner ensuring trust.

Juvenile may be asked to un-tuck shirt and remove shoes.

Juvenile will be asked to place arms out-stretched along the wall with palms facing out.

Have juvenile bend one knee at a time and lift a leg toward you. Check socks and feet.

Have juvenile extend his hands, one at a time, so you can inspect the palms.

Stand behind the juvenile and place your foot between the juvenile's feet.

Search each arm to shoulder using a quick patting motion. (Not rubbing or massaging.)

Use the quick patting motion throughout the entire procedure.

Search hair and over ears.

Search shirt collar.

Search bra by placing fingers along the underside of the bra and lifting up (female staff only)

Search front of torso, sides of waist and back by patting.

Search waist by putting the thumbs inside the front of the waistband and pulling the waistband until the thumbs meet in the back.

Search front and back pocket areas by patting.

Search entire legs down to and including ankles (use the top of the hand to check the crotch area when searching the top of the juvenile's leg).

Instruct juveniles to turn around and face you.

Instruct juvenile open mouth and stick out tongue.

Thank juvenile for his/her cooperation, if applicable.

3. FBCJPD shall not conduct cross-gender pat-down searches except in exigent circumstances.
4. FBCJPD shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
5. Residents shall be allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staffs of the opposite gender are required to announce their presence when entering a resident housing unit.
6. The FBCJPD shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
7. The FBCJPD shall train staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

V. Residents with disabilities and residents who are limited English proficient

1. The agency shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
2. The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can

interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

3. The agency shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under § 115.364, or the investigation of the resident's allegations.

VI. Hiring and Promotion Prohibitions and Requirements 115.317

1. The FBCJPD shall not hire, or promote any person who may have contact with residents, and shall not enlist the services of any contractor, who may have contact with residents, who:

A. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;

B. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

C. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (1)(b) of this section.

2. FBCJPD shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

3. Before hiring new employees or promoting current employees, who may have contact with residents, the agency shall:

A. Perform a criminal background records check;

B. Consult any child abuse registry maintained by the State or locality in which the employee would work; and

C. Consistent with Federal, State, and local law, FBCJPD will make the best efforts to discover information regarding substantiated allegations of sexual abuse or any resignation related to such allegations when considering applicants for employment. Criminal background checks, state child abuse registries, and prior institutional employers shall be consulted.

D. Background checks shall be conducted every two (2) years on all Fort Bend County Juvenile Probation Department employees, volunteers, interns and contractors having contact with residents as well as upon promotion.

4. All applicants, employees, and volunteers shall be directly asked about previous misconduct described in subsections (1) thru (3) of this chapter, in written applications or interviews for hiring or promotions and in interviews or written evaluations conducted for employees.

Employees and volunteers of the Fort Bend County Juvenile Probation Department shall have the affirmative duty to disclose such misconduct as a condition of employment.

5. Failure to disclose such misconduct, material omissions related to such misconduct, or the provision of false information related to such misconduct shall be grounds for termination.

6. Unless prohibited by law, the Fort Bend County Juvenile Probation Department will provide information to prospective employers regarding founded allegations of sexual abuse or sexual harassment against a former employee. The prospective employer must request such information in writing. The written request will be presented to the Chief Juvenile Probation Officer of Fort Bend County Juvenile Probation Department for approval prior to responding to any request.

7. All employees of Fort Bend County Juvenile Probation Department have a duty to inform management of any allegations of sexual misconduct, sexual harassment, or sexual abuse made against them whether professionally or personally.

II. Upgrades to Facilities and Technologies

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the FBCJPD shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.

2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the FBCJPD shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

3. Such considerations shall be documented through:

A. Planning meeting minutes,

B. Statements of work,

C. Design specifications, or

D. Contracting documents.

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Date

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Date

Adopted by the Juvenile Board: 6/10/2015

Date