


<p>GENERAL ORDER</p> 	<p>Effective: <b>02-01-14</b></p>	<p><b># 07-01</b></p>
	<p>Section: <b>Detention Operations</b></p>	<p>Replaces or Modifies: N/A</p>
	<p>Title: <b>Prison Rape Elimination Act Standards (PREA)</b></p> <p>Issued by: <b>Chief Deputy D. Marcaurele</b> <i>DM</i></p>	

**Purpose:**

To establish policies and procedures that will promote a safe environment for inmates by reducing sexual abuse and sexual harassment in the Fort Bend County Jail, in accordance with national Prison Rape Elimination Act (PREA) standards.

**Policy:**

The Fort Bend County Sheriff's Office (FBCSO) has a zero tolerance stance toward all forms of sexual abuse and/or harassment. Inmates and staff that report sexual abuse or sexual harassment or cooperate with such investigations will not suffer retaliatory action.

**Definitions:**

**Sexual Abuse of an inmate by a staff member, contractor, or volunteer-** includes any of the following acts, with or without consent of a person incarcerated in the Fort Bend County Jail (inmate);

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request, by a staff member, contractor, or volunteer to engage in the activities described in sections (1) through (5) of this definition;
7. Any display by a staff member, contractor, volunteer, of his or her uncovered genitalia, buttocks, or breasts in the presence of an inmate, and
8. Voyeurism by a staff member, contractor, or volunteer.

**Sexual harassment-**

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body of clothing, or obscene language or gestures.

**Voyeurism by a staff member, contractor, or volunteer-** an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is

using a toilet of his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Full compliance-** compliance with all material requirements of each standard except for *de minimis* (so minor as to merit disregard) violations, or discrete and temporary violations during otherwise sustained periods of compliance.

**Prison Rape Elimination Act (PREA)** - a federal law enacted in 2003, which was created to eliminate sexual abuse in confinement. Further, those rules as documented in the Federal Register concerning PREA as amended.

### **Details and Procedure:**

- I. PREA Coordinator - The Chief Deputy will designate an agency-wide PREA coordinator with sufficient time and authority to implement and oversee efforts to comply with the PREA standards. The designated coordinator is responsible for obtaining and maintaining PREA standards compliance within the FBCSO.
- II. Training
  - A. All detention personnel who may have contact with inmates shall be trained on how to prevent, detect, and respond to sexual abuse and sexual harassment.
  - B. All vendors and contractors who have contact with inmates shall be trained on their responsibilities in preventing, detecting, and responding to sexual abuse and sexual harassment.
- III. Reporting
  - A. All employees shall immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that involves any Fort Bend County inmate, whether it occurred in the Fort Bend County Jail or another facility; any act of retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All reports shall be made to the Detention Bureau Chief and Division Commander and PREA Coordinator [if Coordinator is not the Bureau Chief or Commander]. The Chief Deputy will be made aware of any such report by the Bureau Chief and/or Division Commander of Detention.
  - B. Upon discovering that an inmate is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action in protecting the inmate.
  - C. Employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, such as; investigator or medical and mental health staff.
  - D. The PREA Coordinator shall ensure that all allegations of sexual abuse and sexual harassment are referred for proper investigation.
  - E. All allegations of sexual abuse and sexual harassment shall be referred for investigation.
    1. Allegations that involve potentially criminal behavior shall be conducted by the Criminal Investigations Division by investigators who have been properly trained in conducting investigations of sexual abuse in confinement settings. The Bureau Chief over Criminal Law Enforcement and the Chief Deputy will be notified of

any such investigation and may use discretion in assignment as the needs of a particular case dictate.

2. Administrative Investigations shall be conducted by either the Internal Affairs Division or the Detention Bureau Investigations Unit, at the discretion of the Chief Deputy.

#### IV. Disciplinary Sanctions for Staff

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violating Fort Bend County Sheriff's Office sexual abuse and sexual harassment policies found in this General Order.
- B. The evidentiary standard used when determining whether or not an allegation is substantiated shall be sufficient evidence (this is below the standard of preponderance of evidence in keeping with general actions associated with Civil Service proceedings in the State of Texas and as specified under PREA rules).
- C. Disciplinary sanctions shall follow the standards set forth in the Civil Service Rules and General Order(s) dealing with discipline.
- D. Termination will be the presumptive disciplinary action for any employee who has committed sexual abuse as defined in this General Order.

#### V. Full Compliance

- A. The PREA Coordinator shall review all General Orders, Bureau Manuals, SOPs, and investigations related to sexual abuse and sexual harassment involving Fort Bend County inmates to ensure the Fort Bend County is in Full Compliance with all PREA standards. Any conflicts will be reported to the Chief Deputy for resolution.