

Category: Prison Rape Elimination Act (PREA)
Policy #: 17.5
Subject: Reporting
Purpose: To establish guidelines for the Reporting of Sexual Harassment and Sexual Abuse in the Fort Bend County Juvenile Detention Center.

I. Resident Reporting

1. A program participant in the FBCJDC who wishes to make an outcry for sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents shall be given access to the reporting method of their choice as soon as reasonably possible and at no cost to the program participant. No employee, intern, or volunteer of the FBCJPD shall obstruct or inhibit any program participant from accessing a reporting method except when safety may become temporarily compromised. Residents detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. Multiple methods of reporting are available including:

- a) Texas Juvenile Justice Department's Abuse, Neglect or Exploitation Hotline
- b) Fort Bend County Juvenile Probation Department's Internal Hotline
- c) Fort Bend County Juvenile Probation Department's Juvenile Grievance Procedure
- d) Verbally to any staff member, volunteer or practicum student of the FBCJPD

2. FBCJPD staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

3. FBCJDC shall provide residents with access to tools necessary to make a written report.

4. A FBCJPD staff member who wishes to make an outcry shall be given access to the reporting method of their choice as soon as reasonably possible and at no cost to the staff member. No employee, intern, or volunteer of the FBCJPD shall obstruct or inhibit any FBCJPD staff member from accessing a reporting method except when the safety or security of the program may become compromised. Methods of reporting include:

- a) Report directly to your immediate supervisor, division director, or Chief Juvenile Probation Officer
- b) Report directly to the FBC Human Resource Director, or FBC Judge
- c) FBCJPD Internal Hotline
- d) TJJD Abuse, Neglect or Exploitation Hotline

4. Reporting parties shall remain anonymous by stating their desire to do so

5. Contractors or service providers operating under a licensure or certification by an entity other than TJJD shall also conform to the mandatory reporting requirements of their licensure or certification.

II. Exhaustion of Administrative Remedies

1. FBCJPD shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse.
2. FBCJPD may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. FBCJPD shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
5. A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint.
6. Such grievance is not referred to a staff member who is the subject of the complaint.
7. FBCJPD shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
8. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.
9. FBCJPD may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. FBCJPD shall notify the resident in writing of any such extension and provide a date by which a decision will be made.
10. At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
11. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
12. If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

13. If the resident declines to have the request processed on his or her behalf, FBCJPD shall document the resident's decision.

14. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

15. FBCJPD shall establish procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse.

A. Procedures for filing an emergency grievance:

1. A grievance can be filled out at any time by a juvenile resident. A shift supervisor may be notified at any time in writing or verbally or a child at any time may use the Fort Bend County internal hot-line to make an outcry.

2. After receiving an emergency grievance or verbal complaint alleging a resident is subject to a substantial risk of imminent sexual abuse, FBCJPD shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document FBCJPD's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

16. FBCJPD may discipline a resident for filing a grievance related to alleged sexual abuse only after FBCJPD demonstrates that the resident filed the grievance in bad faith.

III. Resident Access to Outside Support Services and Legal Representation

1. FBCJPD shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. FBCJPD shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.

2. FBCJPD shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

3. FBCJPD shall maintain memoranda of understanding with the Child Advocacy Center to provide residents with confidential emotional support services related to sexual abuse. FBCJPD shall maintain a copy of the agreement.

4. FBCJPD shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

IV. Third-party Reporting

FBCJPD shall provide all contractors, volunteers, interns and all third parties who come into contact with juvenile's detained in the FBCJDC a brochure outlining their obligations under PREA standards. All parties receiving brochures will sign a form stating they understand their obligations. Said brochure shall include FBCJPD Zero Tolerance Policy and multiple ways for third parties to report sexual harassment or sexual abuse on behalf of a resident.

Revised: 04/01/2015

Date

Reviewed by County Attorney's Office: 5/27/2015

Date

Adopted by the Juvenile Board: 6/10/2015

Date