

**Category:** Prison Rape Elimination Act (PREA)  
**Policy #:** 17.2  
**Subject:** Responsive Planning  
**Purpose:** To provide guidelines for evidence protocol in the Fort Bend County Juvenile Detention Center when dealing with allegations of abuse.

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## **I. Evidence Protocol**

Upon receiving an initial report of an alleged sexual assault within the secure detention facility the administrator/supervisor on duty will follow the below procedures after notifying the designated local Law Enforcement Agency, the Facility Administrator, the Chief Juvenile Probation Officer and the PREA Coordinator:

1. Immediately secure the alleged victim, the area where the incident allegedly occurred and any other physical evidence that may be prevalent to an investigation.

A) Alleged Victim Care:

- Manage emergency medical issues
- Ensure the safety of the victim
- Ensure privacy and confidentiality
- Do not allow victims of alleged sexual abuse to shower before medical exam
- Obtain a written statement in appropriate

B) Evidence Collection:

- Photograph the scene
- Photograph the alleged victim
- Be observant of persons, events, and potential evidence
- Document times, date, location, and parties involved
- When necessary staff may have to bag evidence

C) Scene Control:

- Secure the scene until law enforcement responds
- Secure time sensitive evidence (video, clothing, and bedding)
- Minimize scene contamination
- Separate witness not to allow collaboration
- Collection of witness statement and reports
- Document the location of all persons at the time the alleged incident occurred

2. Separate the alleged victim from the alleged perpetrator by re-assigning or suspending the adult if it is staff or a facility volunteer or immediately securing a juvenile into an isolated room under constant watch until law enforcement investigators arrive. If the alleged perpetrator is an adult that person will be asked to remain in an isolated area away from the alleged victim or any other resident until law enforcement investigators arrive. Obtain a written statement if appropriate.

3. Based upon the amount of time passed since the alleged incident and other factors, a determination must be made to assess whether there is a possibility of evidence still existing at the location of the alleged incident. If the alleged incident occurred more than 96 hours prior to the reporting time every effort must be made by Fort Bend County Juvenile Detention Center (FBCJDC) staff to obtain any clothing and bedding the alleged victim may have been issued at the time and secure it for the investigators.
4. Upon initial contact with law enforcement investigators, a determination must be made regarding the timeframe to transport the alleged victim for a medical exam and resulting treatment.
5. The FBCJPD shall offer all residents who experience sexual abuse access to forensic medical examinations thru Memorial Herman Hospital in Harris County without financial cost to the alleged victim. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination shall be performed by other qualified medical practitioners. FBCJPD shall document its efforts to provide SAFEs or SANEs.
6. The FBJPD shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the FBCJPD shall make available to provide these services a qualified staff member from a community-based organization or a qualified FBCJPD staff member. FBCJPD shall document efforts to secure services from rape crisis centers. The FBCJPD may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services upon confirming a sexual assault did indeed occur. The juvenile will be allowed unhindered access to the advocate from the organization within normal business hours. Extreme caution will be exercised during any counseling sessions with the confirmed victim to maintain a high level of confidentiality.
7. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
8. To the extent the FBCJPD itself is not responsible for investigating allegations of sexual abuse; the agency shall request that the investigating agency follow the requirements of paragraphs (1) through (7) of this section.
9. The requirements of paragraphs (1) through (7) of this section shall also apply to:
  - A. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and

B. Any Department of Justice component responsible for conducting facilities shall have in place a policy governing the conduct of such investigations sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

10. A qualified FBCJPD staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

## **II. Referring Allegations for Investigation**

1. When a staff member has cause to believe that a juvenile has been physically or sexually abused, sexual harassed, neglected, or exploited, they shall immediately report the matter to his/her immediate supervisor and at the earliest possible time to the Detention Superintendent, Assistant Detention Superintendent, and PREA Coordinator/Investigator.

A. The staff member may not delegate or rely on another person to make the report.

B. Failure to report suspected or alleged sexual harassment, physical abuse, sexual abuse, neglect, or exploitation, by any staff member shall be grounds for immediate administrative action up to and including termination.

2. The Detention Superintendent and/or the and PREA Coordinator/Investigator shall immediately report any allegations sexual harassment, physical abuse, sexual abuse, neglect, or exploitation, to the Chief Juvenile Probation Officer, and the Chief Juvenile Probation Officer of any contracting county (if applicable).

A. An internal investigation of allegations of sexual harassment, physical abuse, sexual abuse, neglect, or exploitation, shall occur when there is a report (either verbal or written) of such by a juvenile, parent, staff member, volunteer, contract worker or other interested party.

B. The Detention Superintendent and/or PREA Coordinator/Investigator shall ensure that reports are made to the Texas Juvenile Justice Division of any death, attempted suicide, serious injury, escape, sexual misconduct, or allegation of sexual harassment, juvenile physical abuse, sexual abuse, neglect, or exploitation, as required by TJJD; however, not to exceed 24 hours.

C. The Detention Superintendent and/or the PREA Coordinator/Investigator shall ensure that reports are made to local law enforcement when applicable.

All allegations of sexual harassment, physical abuse, sexual abuse, neglect, or exploitation by a juvenile resident shall initially be investigated administratively and referred to a local law enforcement agency. The designated lead law enforcement agency

is the Fort Bend County Sheriff's Office. All allegations of sexual abuse and sexual harassment shall be documented and assigned a local case number.

The PREA Coordinator shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment, physical abuse, sexual abuse, neglect, or exploitation

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Date