



# TARRANT COUNTY JUVENILE SERVICES POLICY

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CHAPTER: Detention

SECTION: Institutional Services

SUBJECT: Prison Rape Elimination Act (PREA)

Statute: 115.311; 115.313; 115.314; 115.315; 115.316; 115.317; 115.321; 115.322; 115.331; 115.332; 115.333; 115.334; 115.335; 115.314; 115.342; 115.351; 115.352; 115.353; 115.354; 115.361; 115.362; 115.363; 115.364; 115.365; 115.367; 115.368; 115.371; 115.372; 115.373; 115.376; 115.377; 115.378; 115.381; 115.382; 115.383; 115.386; 115.387; 115.389

## DEFINITIONS: 115.5

**Contractor** – a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

**Exigent Circumstances** – any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the safety and institutional order of a facility.

**Gender Nonconforming** – a person whose appearance or manner does not conform to traditional societal gender expectations.

**Interns** - Individuals performing services for the facility through a formal internship program that is part of an approved course of study through an accredited college or university or sponsored by a juvenile justice agency.

**Intersex** – a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Texas Juvenile Justice Department** – referred to TJJD.

**Transgender** – a person whose identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

**Substantiated Allegation** – an allegation that was investigated and determined to have occurred.

**Unfounded Allegation** – an allegation that was investigated and determined not to have occurred.

**Unsubstantiated Allegation** – an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Volunteer** – an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

## 115.6 Definitions related to sexual abuse.

1. **Sexual abuse includes:**



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- a. Sexual abuse of a resident by another resident; and
  - b. Sexual abuse of a resident by a staff member, contractor, or volunteer.
2. **Sexual abuse by another resident includes any of the following acts, if the victim is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;**
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of any person, excluding contact incidental to a physical altercation.
3. **Sexual abuse by a staff member, contractor or volunteer includes:**
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. 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;
  - d. 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;
  - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breasts, 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;
  - f. Any attempt, threat, or request by staff, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
  - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident; and
  - h. Voyeurism by a staff member, contractor, or volunteer.
4. **Sexual harassment includes:**
  - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a resident directed toward another.
  - b. Repeated verbal comments or gestures of a sexual nature to a resident by a staff



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member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.

**5. Voyeurism by a staff member, contractor, or volunteer means;**

- a. An invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in the cell to perform bodily functions.
- b. Requiring a resident to expose his or her buttocks, genitals, or breasts.
- c. Taking images of all or part of a resident's naked body or of a resident performing bodily functions.

**6. Indecent Exposure by a staff, contractor, or volunteer includes;**

- a. Any display of his or her genitalia, buttocks, or breast in the presence of a youth.

## **POLICY: 115.311**

Prison Rape Elimination Act (PREA) was created in 2003 to establish a Zero Tolerance Policy for the elimination, reduction and prevention of sexual abuse and sexual harassment within corrections systems.

The Lynn W. Ross Juvenile Detention Center is committed to maintaining a zero tolerance policy regarding sexual abuse and sexual harassment. As a resident of this facility, everyone has the right to be free from sexual abuse, sexual harassment, neglect, and exploitation. This includes not being subjected to sexually assaultive, abusive, and/or harassing behavior from staff and other residents.

Residents with disabilities are afforded the same rights and will be provided access to interpreters, presented material to effectively communicate with those residents who have intellectual disabilities, limited reading skills, blindness or have low vision. Residents will have access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Interpreters will be provided via the use of the Language Line Solutions for Non-English and Non-Spanish speakers and facility staff for English and Spanish speakers. Residents with disabilities have equal opportunity to participate in and benefit from all aspects of the Lynn W. Ross Juvenile Detention Center's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

The Lynn W. Ross Juvenile Detention Center is a secure facility and does not recognize the term "consensual sex", meaning no person regardless of age can "agree" to have sex or sexual contact with staff or another resident. If the facility learns a resident is subject to a substantial risk of imminent sexual abuse, the facility shall take immediate action to protect the resident. Within this policy all references to sexual abuse will also include sexual harassment, as



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appropriate.

The Tarrant County Juvenile Services Quality Control Supervisor has been designated as the PREA Coordinator for the pre-adjudication program and the probation department. The PREA coordinator shall have sufficient time and authority to develop, implement, and oversee efforts to comply with the PREA standards.

The Lynn W. Ross Juvenile Detention Center does not detain residents solely for civil immigration purposes. ( 115.351, 115.353)

## FORMS:

## RELATED LINKS:

## PROCEDURES:

### I. Hiring and Promotion 115.317

- a. TJJD Standards will be followed as outlined in the following departmental policies: Criminal History, Fingerprint, Driving Record Check for Employees; Volunteer and Interns – Criminal History Background; and Volunteers and Interns – Selection, Termination, Responsibilities, Orientation and Training.
- b. The agency or facility shall not hire or promote anyone who may have contact with residents and shall not enlist the services of any contractor who may have contact with residents who—
  - (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - (2) 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
  - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) (2) of this section.
- c. Tarrant County Juvenile Services 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 the residents.
- d. Prior to hiring new employees who may have contact with residents, the Training, Quality and Development Unit shall:
  - (1) Perform a criminal background records check using the State of Texas Department of Public Safety fingerprint system (FAST system). The system will notify the Training, Quality and Development Unit of any arrest for criminal activity of current employees, contractors and volunteers/interns who may have contact with residents.
  - (2) Consult the child abuse registry maintained by the Texas Department of Family and Protective Services Centralized Background Check system.



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- (3) Consistent with Federal, State, and local law, the hiring authority or designee shall make the best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- e. Criminal background records checks (FAST) system using the DPS and FBI databases and child abuse registries will be conducted prior to enlisting the services of any contractor who may have contact with residents.
- f. These checks will notify the hiring authority or designee of arrest for criminal activity of employees/contractors/interns who may have contact with residents.
- g. All applicants and employees who may have contact with residents directly shall be asked about previous misconduct described in paragraph (b) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
- h. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- i. Unless prohibited by law, the facility administrator shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an employer for whom such employee has applied to work.
- j. Background checks using the FAST system will be conducted at least every five years on employees, contractors, interns and volunteers.
- k. The DFPS Child Registry check will be conducted before hiring new employees and before enlisting the services of any contractors, interns and volunteers who may have direct contact with residents. The Child Registry check will be conducted every five years from the initial registry check or upon an employee promoting to a supervisory position (change in job responsibilities/duties).

## II. Supervision and Monitoring 115.313

- a. Staffing requirements will meet Texas Juvenile Justice Department Standards.  
343.434 Facility Wide Ratio – not less than:
  1. One Juvenile Supervision Officer (JSO) to every 8 residents during program hours; and
  2. One JSO to every 18 residents during non-program hours.343.436 Supervision Ratio – not less than:
  1. One JSO to every 12 residents during program hours; and
  2. One JSO to every 24 residents during non-program hours.
- b. Operations Managers or Designated Shift Supervisors will conduct and document unannounced rounds at least once daily on all shifts to identify and deter staff sexual abuse and harassment. Staff will not be alerted to the unannounced unscheduled rounds occurring by other employees, contractors or volunteers. The Operations Manager or Designated Shift Supervisor will document the unannounced rounds on the Supervisor Shift Summary. The Supervisor Shift Summaries will be maintained in the Facility Administrator's office.
- c. The facility utilizes video monitoring systems throughout the facility. Whenever



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necessary, but no less frequently than once each year, in consultation with the PREA Coordinator, the facility shall assess, determine, and document whether adjustments are needed to:

1. The staffing plan;
  2. Prevailing staffing patterns;
  3. The deployment of video monitoring systems and other monitoring technologies; and
  4. The resources available to commit to ensure adherence to the staffing plan.
  5. Digital surveillance files will be retained for 45 days.
- d. Unless there is an exigent circumstance, staff of the opposite gender entering a unit will announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing. Operations Managers or Designated Shift Supervisors will document on an Incident Report if an exigent circumstance occurred.
- e. Residents can shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.

### III. Training 115.331, 115.332, 115.335

- a. Prior to having contact with the residents all staff, volunteers, teachers, counselors, contractors and interns who have contact with the residents will be trained on:
1. The facility Zero Tolerance Policy for sexual abuse and sexual harassment;
  2. How to fulfill their responsibilities under the facility sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  3. Residents' right to be free from sexual abuse and sexual harassment;
  4. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  5. The dynamics of sexual abuse and sexual harassment juvenile facilities;
  6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
  7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
  8. How to avoid inappropriate relationships with residents;
  9. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
  10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
  11. Relevant laws regarding the applicable age of consent.
- b. Training will be tailored to the unique needs and attributes of residents of the Lynn W. Ross Juvenile Detention Center and to the gender of the residents at the facility. The facility admits male and female residents; therefore, training will be tailored to their gender needs and attributes.
- c. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards. Refresher training will be conducted every two years to ensure that all individuals know the department's current sexual abuse and sexual



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harassment policies and procedures. In years in which refresher training is not provided, Tarrant County Juvenile Services shall provide refresher information on current sexual abuse and sexual harassment policies. The training agenda sheet will be maintained listing topics covered relating to sexual abuse or sexual harassment. A sign in sheet of attendees will be maintained for all training provided including the dates, times and duration of training. A questionnaire will be given to ensure the staff, volunteers, teachers, counselors, contractors and interns understand the training received. Following training, staff, volunteers, teachers, counselors, contractors and interns will sign a form acknowledging they understood the training they have received.

- d. In addition to the facility Zero Tolerance Policy, all full and part time medical and mental health care practitioners will be trained in the following:
  1. How to detect and assess signs of sexual abuse and sexual harassment.
  2. How to preserve physical evidence of sexual abuse.
  3. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment.
  4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
  5. Medical and mental health practitioners are required by mandatory reporting laws to report sexual abuse to the local Sheriff Department, Texas Family and Protective Services, Texas Juvenile Justice Department and the Facility Administrator.
  6. Medical and mental health practitioners shall inform residents at the initiation of services of their duty to report and the limitations of confidentiality regarding sexual abuse.
  7. All training will be maintained in the individual's personnel/training file.
  8. Tarrant County Juvenile Services medical health staff shall not conduct forensic examinations or investigations but will cooperate with John Peter Smith Hospital and the Tarrant County Sheriff's Office with the examinations and investigation.

## IV. SEARCHES: 115.315

Cross gender strip or pat searches will only be conducted in exigent circumstances or when performed by a licensed nurse, physician or physician assistant. Facility staff will be trained to conduct cross gender pat down searches and searches of transgender and intersex youth in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

1. All residents are able to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their genitals, buttocks, breasts except in the case of an emergency, by accident, or when performing routine room checks.
2. Facility staff 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 exam conducted in private by a licensed nurse, physician or physician assistant.



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3. Body Cavity Search: An anal or genital body cavity search is the physical probing search of the resident's rectum and/or vagina. An anal or genital body cavity search shall be conducted only if there is **probable cause** to believe that a resident is concealing contraband. The search shall only be conducted by a licensed physician in a private room or setting (refer to Institutional Services Resident Search policy).

## V. OBTAINING INFORMATION 115.341(2)(d)

Upon intake and periodically throughout a resident's confinement, information will be obtained and used about the residents' personal history and behavior to reduce the risk of sexual abuse by or upon a resident through the facility objective screening instrument, follow up questions, intake behavioral screening form and medical health screening forms.

1. Residents will be screened by the detention intake officer and Juvenile Supervision Officer for the risk of sexual victimization and abusiveness using the facility behavioral screening and medical health screening forms.
2. Information will be obtained through conversations with the resident, medical and mental health screenings, during classification, and by reviewing court records, case files, facility behavioral records and other relevant documentation from the resident's files.
3. Intake staff will provide this information to the Operations Manager or Designated Shift Supervisor on duty for review to determine if the information indicates a heightened need for supervision, additional safety precautions, or separation from certain other residents.
4. Sensitive information obtained will not be exploited to the resident's detriment by staff or other residents. All staff will follow confidentiality guidelines when dealing with sensitive information. Information obtained will only be used to make housing, bed, program, and education assignments with the goal to keep all residents safe and free from sexual abuse and to reduce the risk of victimization.
5. Periodically throughout the resident's confinement (not to exceed 30 days of arrival) information will be obtained about the residents' personal history and behavior to reduce the risk of sexual abuse by or upon a resident. Information will be gathered through staff/counselor's conversations with the resident's, information provided by the probation department, and/or family member, and incident reports written by the Juvenile Supervision Officers. This information will be placed in the resident's file and reported to the Operations Manager or Designated Shift Supervisor on duty. If warranted, the Operations Manager or Designated Shift Supervisor will notify the Facility Administrator to determine if further action is necessary.
6. Medical and mental health providers shall inform residents at the initiation of services of their duty to report and the limitations of confidentiality regarding information gathered.

## VI. PLACEMENT OF RESIDENTS IN HOUSING, BED, PROGRAM, AND EDUCATION 115.342

1. All information obtained upon intake and periodically throughout the residents'





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- confinement will be used to make housing, bed, program, and education assignments with the goal of keeping all residents safe and free from sexual abuse.
2. A resident may be isolated only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. If a resident is isolated the facility shall clearly document:
    - a. The basis for the facility's concern for the resident's safety.
    - b. The reason why no alternative means of separation can be arranged.
  3. During any period of isolation residents shall not be denied large-muscle exercise, legally required educational programming or special education services and other programs to the extent possible. Residents in isolation shall receive daily visits from a medical or mental health care clinician.
  4. Lesbian, gay, bisexual, transgender, or intersex (LGBTI) residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider LGBTI identification or status as an indicator of likelihood of being sexually abusive.
  5. In deciding to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the facility shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.
  6. Placement and programming assignments for each transgender or intersex resident shall be reassessed by the Facility Administrator and PREA Coordinator at least twice each year to review any threats to safety experienced by the resident.
  7. A transgender or intersex resident's own view with respect to his/her own safety shall be given serious consideration.
  8. Transgender or intersex residents shall be given the opportunity to shower separately from other residents.
  9. A review will be held every 10 days by the Facility Administrator to determine whether there is a continuing need for separation from the general population.

## VII. RESIDENT EDUCATION 115.316, 115.333

1. A Juvenile Supervision Officer shall provide residents information explaining the agency's zero tolerance policy during the initial orientation process. The information will be age-appropriate and will include how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Additional comprehensive age-appropriate education shall be provided within 10 days of intake as scheduled every weekend. A Juvenile Supervision Officer will ensure the youth receive the comprehensive education. The comprehensive education will be in a format accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to the residents who have limited reading skills. If the youth reports a deficiency or the staff are aware of a deficiency in any of these areas they will report to the Operations Manager or Designated Shift Supervisor the need for additional resources.



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The Operations Manager or Designated Shift Supervisor will notify the Facility Administrator who will obtain the appropriate community resource services. Arrangements will be made for an interpreter who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, when necessary. The facility 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.

3. The education will include the youth's rights to be free from sexual abuse and sexual harassment and to be free from retaliation from reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
4. Upon conclusion of the comprehensive education, the Juvenile Supervision Officer will ensure the resident signs the PREA orientation form acknowledging participation in this education. The form will be maintained in the resident's individual file.
5. PREA information will be continuously and readily available in the unit and posted in the unit.

## VIII. **RESIDENT REPORTING – WHEN A RESIDENT IS SUBJECT TO A SUBSTANTIAL RISK OF IMMINENT SEXUAL ABUSE, IMMEDIATE ACTION WILL BE TAKEN TO PROTECT THE RESIDENT. 115.351**

1. Tarrant County Juvenile Services will provide multiple ways for residents to privately report sexual assault, abuse, harassment or retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any of the following:

Juvenile Probation Officer, Juvenile Supervision Officer, counselor, volunteer, intern, Operations Manager, Designated Shift Supervisor, case manager, PREA Coordinator, Facility Administrator, Assistant Facility Administrator or by using the facility's grievance process. The Facility Administrator will ensure copies of blank grievances are available in the housing units at all times. Residents shall have access to a grievance at all times. Upon completion, the resident may submit the grievance by placing it in the lock box located in each housing unit. The Operations Manager or Designated Shift Supervisor will check for grievances daily prior to the end of the shift.

2. Resident's may also privately and anonymously report sexual assault, abuse, or harassment directly to the Texas Juvenile Justice Department (TJJD) at 1-877-STOP Abuse Neglect & Exploitation (ANE) at 1-877-786-7263 by pressing the TJJD Hotline button found on every phone in the housing units.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports on a witness statement. Staff will then follow the mandatory reporting duties. The witness statement will be submitted to the Operations Manager or Designated Shift Supervisor on duty to follow the mandatory reporting guidelines.



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4. Staff may privately report sexual abuse and sexual harassment of residents to their local law enforcement, state reporting agency, TJJD, direct supervisor, Facility Administrator, Assistant Facility Administrator or the PREA Coordinator. Staff must report sexual abuse and sexual harassment immediately.
5. Any report of sexual assault, abuse, or harassment alleged to have occurred within the facility will be investigated to the fullest extent by the PREA Coordinator and will be reported to the Tarrant County Sheriff's Department for criminal investigation. The PREA Coordinator will follow up on all investigations with the sheriff office and TJJD until completion of the investigation.

## IX. MEDICAL AND MENTAL HEALTH CARE 115.381, 115.382

1. If any of the intake screening forms indicates a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the intake officer shall document the information on the behavior health screening or medical health screening form and provide a copy of the form(s) to the Operations Manager or the Designated Shift Supervisor and the mental health provider.  
If required, a follow up meeting with the mental health care provider will be held within 14 days of the intake screening.
2. If the behavior screening indicates the resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the resident is offered a follow-up meeting with a mental health provider within 14 days of the intake screening.
3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health providers and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

## X. ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS 115.383

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in a juvenile facility.
2. The evaluation and treatment shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
3. Medical and mental health services shall be provided to the victims consistent with the community level of care.
4. Resident victims of sexually abusive vaginal penetration while in detention shall be offered pregnancy tests.
5. If pregnancy results from the abuse, the victim shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Resident victims of sexual abuse while in detention shall be offered tests for sexually



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transmitted infections as medically appropriate.

7. Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with any investigation arising out of the incident.
8. The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health providers.
9. The facility mental health providers will make recommendation to the length of treatment needed.

## **XI. MANDATORY REPORTING 115.321, 115.322, 115.352, 115.353, 115.354, 115.361, 115.362, 115.367**

1. All staff, including medical and mental health providers, shall report sexual abuse to the Facility Administrator, PREA Coordinator, Tarrant County Sheriff's Department and TJJD, and also shall comply with all mandatory child abuse reporting laws.
2. All allegations of sexual abuse/sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents will be investigated either criminally or administratively or both.
3. Residents and staff shall immediately report sexual abuse or sexual harassment, staff neglect or violation of staff responsibilities, or retaliation to any employee, to TJJD (1-877- 786-7263) or by using the facility grievance process. There will be no time limit on when an allegation of sexual abuse can be reported.
4. TJJD will inform the Facility Administrator of all reports made to TJJD to ensure they are properly investigated. The Facility Administrator will notify the Tarrant County Sheriff's Department and the PREA Coordinator to initiate the investigation. The Facility Administrator will take steps to separate the alleged victim from the alleged perpetrator.
5. If the sheriff's department chooses not to conduct an investigation, TJJD peace officers may conduct a criminal investigation.
6. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports on an informative incident report.
7. Staff shall immediately report to the Facility Administrator, Operations Manager or Designated Shift Supervisor, PREA Coordinator and sheriff's department of any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility; retaliation against residents or staff who reported such an incident and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
8. Staff shall keep any information confidential related to the sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation and other security and management decisions.
9. Residents are not required to use the informal grievance process or attempt to resolve with staff, an alleged incident of sexual abuse.
10. If a resident who alleges sexual abuse or sexual harassment submits a grievance, the grievance officer shall ensure that the grievance is not referred to the staff member who is the subject of the complaint.
11. The grievance officer will follow the Abuse, Neglect and Exploitation notification and reporting guidelines outlined in the departmental policies and the facility shall take steps to



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- keep the resident safe.
12. Third-party reports of sexual abuse and sexual harassment shall be made by calling the TJJD Abuse Hotline number at 1-877-786-7263.
  13. Emotional support services will be provided to staff and residents who report sexual abuse or sexual harassment or who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations. Emotional support may include crisis intervention and counseling services. Emotional support services will be provided as follows:
    - a. Staff will be referred to the Tarrant County Employee Assistance Program.
    - b. Residents alleging sexual abuse will be referred to the Sexual Abuse Nurse Examiner (SANE) at John Peter Smith Hospital. The SANE Nurse will determine referrals to services based on their professional training to include but not limited to emotional support for sexual abuse and/or retaliation.
    - c. Residents alleging sexual harassment or retaliation within the facility or previous sexual abuse will be referred to the facility mental health providers to determine if further services are warranted. The facility mental health providers may refer the victim to additional community services based on their professional judgment.
    - d. Reasonable communication between residents and the emotional support service will be provided in as confidential a manner as possible.
    - e. Residents shall be informed, prior to giving them access, of the extent to which such communication will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
  14. The facility shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims.
  15. For at least 90 days following a report of sexual abuse, the Facility Administrator shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have experienced sexual abuse to determine if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. The following shall be monitored:
    - a. Resident disciplinary reports
    - b. Unit housing
    - c. Program changes, or
    - d. Negative performance reviews or reassignments of staff will be monitored by the Facility Administrator.
  16. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need.
  17. For residents, such monitoring shall also include periodic status checks to be conducted by the Operations Managers. Status checks will be conducted randomly twice weekly and documented on the Supervisor Shift Summary. The Supervisor Shift Summary will be maintained in the office of the Facility Administrator.
  18. If an individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take appropriate measures to protect the individual against retaliation.
  19. The obligation to monitor shall terminate if the allegation is unfounded.



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20. Isolation to protect a resident who is alleged to have experienced sexual abuse shall follow requirements of the Lynn W. Ross Juvenile Detention Center isolation policy to protect the resident in the least restrictive manner. This will occur only as a last measure only until an alternative means of keeping all residents safe can be arranged. Residents in isolation will be provided with a daily large-muscle exercise, educational programming or special education service, daily visits from medical or mental health care providers and access to regular program opportunity to the extent possible.

## **XII. INTERVENTIONS AND DISCIPLINARY SANCTIONS FOR RESIDENTS: 115.378**

1. A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process as outlined in the Resident Discipline Plan following a finding that the resident engaged in resident-on-resident sexual abuse.
2. 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 offense by other residents with similar histories.
3. If a resident is isolated, the rules following isolation requirements will be followed.
4. Residents in isolation shall receive daily large-muscle exercise, access to educational programming or special education services and daily visits from a medical or mental health care provider. Residents shall also have access to other programs to the extent possible.
5. The disciplinary process shall consider if the resident's mental disabilities or mental illness contributed to the behavior when determining what sanction, if any, is imposed.
6. The facility will determine if the resident will receive counseling or other interventions to address and correct underlying reasons or motivations for the abuse. The facility shall consider whether to offer the offending resident participation in such interventions. The facility may require participation in interventions as a condition of access to privileges within the program but not as a condition to access to general programming or education.
7. A resident may be disciplined for sexual contact with staff only upon a finding that the staff did not consent to such contact.
8. A report 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.
9. Sexual activity between residents is strictly prohibited and residents may be disciplined for such activity.

## **XIII. ADMINISTRATION REPORTING REQUIREMENTS 115.322, 115.361**

1. Upon receiving any allegation of sexual abuse or sexual harassment, the Facility Administrator or designee shall report the allegation to the Tarrant County Sheriff's Department, TJJD, and the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified.
2. If the alleged victim is under the guardianship of DFPS the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
3. If a juvenile court retains jurisdiction over the alleged victim, the allegation will also be reported to the victim's attorney, the youth's Juvenile Probation Officer or other legal



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representative of record within 14 days of receiving the allegation.

4. The PREA Coordinator for the department shall also be notified of all reports of sexual abuse and sexual harassment including third-party and anonymous reports to begin the internal investigation process.

## XIV. OUTSIDE AGENCY ALLEGATIONS 115.363

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Facility Administrator shall notify the administrator of the facility or appropriate office of the agency where the alleged abuse occurred and shall notify the appropriate investigative agency.
2. Notification shall be provided as soon as possible but no later than 72 hours after receiving the allegation.
3. The Facility Administrator will document that it has provided such notification.
4. The facility that receives such notification shall ensure the allegation is investigated in accordance with PREA standards.

## XV. FIRST RESPONDERS 115.364

The first staff to learn of an allegation that a resident was sexually abused shall: (see first responder checklist)

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, washing, brushing teeth, changing clothes, urinating, defecating, or eating. The Facility Administrator or designee shall collect all unit documentation, including individual room logs, seclusion logs, control log, etc.; and
4. If the abuse occurred within a time period that still allows for the collection of physical evidence ensure that the alleged perpetrator does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
5. If the first responder is not a Juvenile Supervision Officer or Juvenile Probation Officer, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and notify the Operations Manager or Designated Shift Supervisor on duty and the PREA Coordinator.
6. The Operations Manager or Designated Shift Supervisor will contact the Facility Administrator or designee immediately and begin reporting requirements.

## XVI. RESIDENTS ACCESS TO OUTSIDE SUPPORT SERVICES AND LEGAL REPRESENTATION 115.353

1. Residents will have access to the SANE nurse at John Peter Smith Hospital. The SANE nurse will respond to the hospital to provide emotional support services and resources for legal representation.
2. The facility shall provide residents with access to outside victim advocates for additional



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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, such as The Women's Center.

3. Reasonable communication between the resident and organization/agency will be held in a confidential manner as possible.
4. Residents will be informed prior to access the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to the authorities in accordance with mandatory reporting laws.
5. Tarrant County Juvenile Services shall maintain memoranda of understanding with The Women's Center and One Safe Place to provide residents with confidential emotional support services related to sexual abuse. Tarrant County Juvenile Services shall maintain copies of agreement or documentation showing attempts to enter into such agreements.
6. Residents shall have reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents/legal guardians will be provided.

## XVII. ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES 115.382

1. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of which are determined by medical and mental health providers according to their professional judgment.
2. If a medical or mental health practitioner is not on duty at the time of the report, the first responder shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health providers.
3. Resident victims of sexual abuse while detained shall be offered timely information about and timely access to pregnancy test, emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate. The required information and care will be provided by John Peter Smith Hospital.
4. Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with any investigation arising from the incident.

## XVIII. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS 115.321

1. All residents who experience sexual abuse shall have access to a forensic medical examination without financial cost through John Peter Smith Hospital by a SANE nurse. Efforts shall be made and documented on the Medical Supervisor's report or facility incident report to provide Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANES).
2. Attempts shall be made to make available a victim advocate through the SANE nurse at John Peter Smith Hospital. All efforts must be documented. The SANE nurse is a victim advocate who will aid the Tarrant County Sheriff's Department and investigators to collect evidence and to provide emotional support during the collection of evidence process.
3. As requested by the victim, the victim advocate 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





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intervention, information, and referrals.

4. 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.
5. All allegations of sexual abuse and sexual harassment will require an administrative investigation to be conducted by the PREA Coordinator or a criminal investigation to be conducted by the Tarrant County Sheriff's Office and/or TJJD for all allegations of sexual abuse and sexual harassment.
6. All referrals and investigations will be documented on the incident based data form and the year to year analysis form maintained by the Facility Administrator. The year to year analysis will be posted on the Tarrant County Juvenile Services website.

## **XIX. SPECIALIZED TRAINING: INVESTIGATIONS 115.334**

1. Employees assigned to conduct sexual abuse investigations shall receive training in conducting such investigations in confinement settings. Documentation will be maintained in the employee's file showing the completed specialized training.
2. Specialized training shall include:
  - a. Techniques for interviewing juvenile sexual abuse victims;
  - b. Proper use of Miranda and Garrity warnings;
  - c. Sexual abuse evidence collection in confinement settings, and
  - d. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations.

## **XX. INTERNAL INVESTIGATION 115.371**

1. Investigations into allegations of sexual abuse and sexual harassment shall be completed promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. The investigator shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. The investigator shall interview alleged victims, suspected perpetrators, and witnesses and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
3. An investigation shall not terminate solely because the source of the allegation recants the allegation.
4. When the quality of evidence appears to support criminal prosecution, all following interviews will be conducted by the Tarrant County Sheriff's Office to avoid compromising the criminal investigation.
5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No resident will submit to a polygraph exam or other truth-telling device as a condition for proceeding with the investigation of an allegation.



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## XXI. ADMINISTRATIVE INVESTIGATIONS 115.371, 115.372, 115.373

1. Investigations shall include an effort to determine if staff actions or failure to act contributed to the abuse.
2. Investigations shall be documented on the TJJD incident form requirements and investigation requirements including:
  - a. Description of the physical and testimonial evidence,
  - b. The reasoning behind credibility assessments, and
  - c. Investigative facts and findings.
3. No standard higher than a preponderance of evidence is required to determine whether allegations of sexual abuse or sexual harassment are substantiated.
4. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
5. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
6. Written reports of administrative and criminal investigations shall be retained as long as the alleged perpetrator is incarcerated or employed by Tarrant County Juvenile Services, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
7. The departure of the alleged perpetrator or victim from the employment or control of the facility shall not provide a basis for terminating an investigation.
8. If the Tarrant County Sheriff's Department investigates sexual abuse, the facility shall cooperate and shall endeavor to remain informed about the progress of the investigation.
9. Following an investigation into a resident's allegation of sexual abuse in the facility, the facility shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
10. If the facility did not conduct the investigation, the PREA Coordinator will request the relevant information from the investigative agency to inform the resident.
11. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the facility shall subsequently inform the resident (unless the facility has determined that the allegation is unfounded) whenever:
  - a. The staff member is no longer posted in the resident's unit;
  - b. The staff is no longer employed at the facility;
  - c. The staff member has been indicted on a charge related to sexual abuse within the facility; or
  - d. The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
12. Following a resident's allegation that he or she has been sexually abused by another resident, the facility shall subsequently inform the alleged victim whenever:
  - a. The facility learns that the alleged perpetrator has a petition filed on a charge related to sexual abuse within the facility; or
  - b. The facility learns that the alleged perpetrator has been adjudicated on a charge related to sexual abuse within the facility.
13. All notifications or attempted notifications shall be documented.
14. The facility's obligation to report shall terminate if the resident is released from the facility's



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custody.

## XXII. CRIMINAL INVESTIGATIONS 115.322

All staff, contractors, volunteers and interns shall fully cooperate in the investigation.

1. The Tarrant County Sheriff's Department or TJJD will lead all criminal investigations;
2. The investigating entity will have access to all records and files as legally permissible, to include video records;
3. Space will be provided for the investigating entity to conduct interviews and/or to review records and files;
4. The investigating entity will be responsible for completing the criminal investigation consistent with their policies governing the conduct of such investigations and for referring any individual or individuals for criminal prosecution.
5. The final investigation report will be provided to Tarrant County Juvenile Services.

## XXIII. DISCIPLINARY SANCTIONS FOR STAFF 115.376

1. Disciplinary sanctions for violations of facility 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.
2. At the conclusion of the internal investigation, the Facility Administrator shall take appropriate measures to ensure the safety of the residents. The subject of investigation will be informed of the outcome of the investigation and the measures to be taken.
3. Measures may include:
  - a. Review of the policies, procedures and practices, and if appropriate, modifications to the policies, procedures and practices to help ensure the safety of residents and staff and to prevent subsequent incidents.
  - b. Additional training of staff specifically involved in the incident or training of all staff if necessary;
  - c. Suspension or termination of staff involved in the incident; and
  - d. Possible criminal prosecution.
4. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
5. All terminations for violations of facility sexual abused or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement, unless the activity was clearly not criminal, and to TJJD.

## XXIV. CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS 115.377

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, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit



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further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

## XXV. SEXUAL ABUSE INCIDENT REVIEWS 115.386

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team shall include the Chief Probation Officer, Deputy Director, Facility Administrator, and PREA Coordinator with input from Operations Managers, and medical and mental health providers.
4. The review team shall:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse (camera placement, blind spots, training curriculum, and program);
  - d. Assess the adequacy of staffing levels in that area during different shifts;
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (4)(a)-(4)(e) of this section, and any recommendations for improvement and submit such report to the Chief Probation Officer, Deputy Director, Facility Administrator and PREA Coordinator.
5. The Facility Administrator shall implement the recommendations for improvement, or shall document the reasons for not doing so.

## XXVI. DATA COLLECTION 115.387

1. The facility shall collect accurate, uniform data for every allegation of sexual abuse at the facility using the annual PREA report form developed by the facility and set of definitions.
2. The facility shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. The facility shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, the facility shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.



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Director Effective Date: [10/21/2015](#)

A handwritten signature in black ink, appearing to read "Randy Turner", written over a horizontal line.

Randy Turner  
Director, Tarrant County Juvenile Services

Juvenile Board  
Approval Date: 10/21/2015

Replaces Policy Dated: [N/A](#)

Revised/New Policy: [New](#)