

PREA Policies and Procedures El Paso County Juvenile Probation Department PRE and POST facilities	Policy Number PREA 115.311, .313, .314, .315, .316, .317, .321, .322, .331, .332, .333, .334, .335, .341, .342, .351, .352, .353, .354, .361, .362, .363, .364, .365, .367, .368, .371, .372, .373, .376, .377, .378, .381, .382, .383, .386, .387	Pages 22
Sub-Chapter Resident Rights	Related Standards PREA Standards, when referenced, will be in (parenthesis).	
Subject Prison Rape Elimination Act (PREA)		
POLICY The 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 correctional facilities. The El Paso Juvenile Probation Department PRE and POST facilities are committed to maintaining a zero tolerance policy regarding sexual abuse and sexual harassment.		

I. POLICY (115.311)

There is Zero Tolerance of sexual abuse and sexual harassment at the Juvenile Probation Department. Residents of this facility, have the right to be free from sexual abuse, sexual harassment, neglect, and exploitation. This includes not being subjected to sexually assaultive, abusive, or harassing behavior from staff and other residents. At the El Paso County Juvenile Probation Department no person regardless of age can “agree” or “consent” to have sex or sexual contact with staff or another resident at the El Paso Juvenile Probation Department PRE and POST facilities. If the El Paso Juvenile Justice Center PRE and POST facilities learn a resident is subject to a substantial risk of imminent sexual abuse, the facility will take immediate action to protect the resident. Within this policy all references to sexual abuse will also include sexual harassment, as appropriate. The El Paso Juvenile Probation Department PRE and POST facilities Senior Officers are designated as the PREA managers for the El Paso Juvenile Probation Department PRE and POST facilities. The Deputy Chief Juvenile Probation Officer, will be designated as the PREA Coordinator for the pre-adjudicated residents, post adjudicated residents and the probation department and will have sufficient time and authority to develop, implement, and oversee efforts to comply with the PREA standards. El Paso JPD does not detain residents solely for civil immigration purposes.

II. DEFINITIONS:

The following definitions apply:

Deputy Chief- refers to the Deputy Chief of Juvenile Services

DFPS-Department of Family and Protective Services

Director-refers to the Facility Administrators of the PRE and POST facilities

EPSO-El Paso Sheriff’s Office

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

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

Intersex – a person who’s 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.

PRE-Pre adjudication facility (62 beds)

POST-Post adjudication facility (48 bed)

JDC-El Paso County Juvenile Detention Center

JPD-El Paso County Juvenile Probation Department.

SMC-Sierra Medical Center

Texas Juvenile Justice Department – referred to hereafter as 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.

Abuse Related Definitions

1. **Sexual abuse includes:**
 - 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 (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 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;**
Any display of his or her genitalia, buttocks, or breast in the presence of a resident.

III. PREVENTION PLANNING

A. Supervision and Monitoring (115.313)

1. Staffing requirements will meet TJJJ Standards.
343.434 Facility Wide Ratio – not less than:
 - a. One Juvenile Supervision Officer (JSO) to every 8 residents during program hours; and
 - b. One JSO to every 18 residents during non-program hours.**343.436 Supervision Ratio – not less than:**
 - a. One JSO to every 12 residents during program hours; and
 - b. One JSO to every 24 residents during non-program hours.
2. Supervisors will conduct and document unannounced rounds into each of the housing units at least once weekly on the 1st (7:00a-3:00p), the 2nd (3:00p-11:00p) and the 3rd (11p-7a) shift to identify and deter staff sexual abuse and harassment. Staff will not be alerted to the unannounced unscheduled rounds occurring by supervisors, other employees, contractors or volunteers. The Team Leader, Senior Officer or Facility Director will document the unannounced rounds on the supervisor unit check log to be maintained in the Team Leader office. These rounds are to deter staff sexual abuse and sexual harassment. These forms will be reviewed by the PREA manager monthly.
3. The El Paso Juvenile Justice Center PRE and POST facilities utilize video monitoring systems throughout the facilities. Every January and whenever else necessary, in consultation with the PREA Coordinator, the Director will assess, determine, and document whether adjustments are needed to:
 - a. The staffing plan;
 - b. Prevailing staffing patterns;
 - c. The deployment of video monitoring systems and other monitoring technologies; and
 - d. The resources available to commit to ensure adherence to the staffing plan.
 - e. Digital surveillance files will be retained for at least 15 days.
4. The facilities shall comply with the staffing plan, except during limited and discrete exigent circumstances. Staff will document on the unit log if an exigent circumstance occurred.
5. 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 cell checks.
6. Unless there is an exigent circumstance, staff of the opposite gender entering a unit will announce their presence. This includes staff entering areas where youth are likely to be showering, performing bodily functions, or changing clothing. Staff will document on the unit log if an exigent circumstance occurred.

B. Searches (115.315):

Cross gender strip or pat searches will be conducted only in exigent circumstances or when performed by medical personnel. The Juvenile Probation Department does not conduct visual body cavity searches on any youth. Staff will be trained to conduct a 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. The JPD shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.

1. All residents are able to shower, perform bodily functions, and change clothing without nonmedical staff viewing their genitals, buttocks, breasts (female), except in the case of an emergency, by accident, or performing routine cell or room checks.
2. 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 by the contract medical staff.

C. Residents with disabilities and Limited English (115.316)

1. 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 blind or have low vision.
2. Residents will have access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
3. Other residents may not serve as interpreters, readers or assistants to other residents except in circumstances where a delay in obtaining an effective interpreter should compromise the resident's safety or the performance of first response duties.
4. Interpreters will be provided through local community resources. When that need arises, the Team Leader will submit an AOS for approval through the accounting department for procurement of the necessary translators.
5. Residents with disabilities have equal opportunity to participate in and benefit from all aspects of the JPD's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

D. Hiring and Promotion (115.317)

1. TJJD Standards will be followed as outlined and through the Fast Pass System, criminal reference and background checks are conducted on each applicant, contractors and volunteers, prior to hire and to each employee, contractors and volunteers every two years. The JPD will either conduct criminal background records checks at least every two years of current contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.
2. The JPD will not hire or promote anyone who may have contact with residents and will 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 (b) (2) of this section.
JPD will 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.
3. Prior to hiring new employees who may have contact with residents, Human Resources will:
 - (a) Perform a criminal background records check using the State of Texas Department of Public Safety fingerprint system (FASTPASS system). The system will notify the Human Resources

Department of any arrest for criminal activity of current employees, contractors and volunteers who may have contact with residents.

- (b) Consult the child abuse registry maintained by the Texas Department of Family and Protective Services Centralized Background Check system.
 - (c) Consistent with Federal, State, and local law, the Human Resources Department 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.
4. Criminal background records check and child abuse registries will be checked by Human Resources, prior to enlisting the services of any contractor who may have contact with residents.
 5. Criminal background records checks will be conducted using the FASTPASS system which uses DPS and FBI databases, and notifies the Human Resource of arrest for criminal activity of current employees and contractors who may have contact with residents.
 6. All applicants and employees who may have contact with residents directly will be asked by Human Resources 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. JPD requires that all employees, contractors or volunteers immediately (within 24-hours) disclose, in written and verbal form, to their immediate supervisor, or designee in the supervisors' absence, any misconduct.
 7. Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination.
 8. Unless prohibited by law, the Director will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

E. Upgrades to Facilities and Technology (115.318)

Whenever the El Paso Juvenile Justice Center PRE and POST facilities acquires a new facility or make substantial expansion to the current 62-bed facility (PRE) or the current 48 bed facility (POST), an assessment of the new design or addition will include considerations for safeguarding the residents from sexual abuse or harassment. Additionally, a new or updated video monitoring or electronic surveillance system will also take into considerations that will decrease the risk of sexual abuse or harassment of the residents. The officers working central control/base control will ensure the view of the toilet areas are out of view. This is vital when the officer is the opposite gender of the youth as to allow the resident privacy but not compromise the safety and welfare of the resident.

IV. RESPONSIVE PLANNING

A. Evidence Protocol and Forensic Medical Examinations (115.321, 115.365)

1. All residents who experience sexual abuse will have access to a forensic medical examination without financial cost through the University Medical Center or Sierra Medical Center by the SANE nurse. Efforts shall be made and documented on the facility incident report, nurse's notes or shift supervisor's report to provide Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).
2. Attempts will be made to make available a victim advocate through the SANE nurse at SMC. All efforts must be documented. The SANE nurse is a victim advocate who will aid the sheriff department and investigators 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 intervention, information, and referrals.
4. The Clinical Services Director will assign a clinician for evaluation for services. The assigned clinician will 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. Normally the Clinical Therapist.
5. All allegations will require an administrative investigation to be conducted as assigned by the Deputy Chief or a criminal investigation to be conducted by the El Paso County Sheriff Office (EPSO) for all allegations of sexual abuse and sexual harassment.
6. If the allegation involves potentially criminal behavior the allegation will be referred to the EPSO for investigation to conclude criminal investigations.
7. All referrals and investigations will be documented on the Abuse, Neglect, & Exploitation spread sheet maintained by the department. This will be posted on the El Paso County Juvenile services website.
8. When conducting a sexual abuse investigation, the investigators will follow guidelines listed on Section V. C of this policy.

B. Administration Reporting Requirements (155.322, 115.361)

1. Upon receiving any allegation of sexual abuse or sexual harassment, the Director or designee shall promptly (**within 1 hour of receipt**) report the allegation to the EPSO, TJJD, and the alleged victim's parents or legal guardians unless the facilities have official documentation showing the parents or legal guardians should not be notified.
2. If the victim is under the guardianship of DFPS the report shall be made to the caseworker instead of the parents or legal guardians.
3. The allegation will also be reported to the victim's attorney and the resident's Juvenile Probation Officer within 1 day of receiving the allegation.
4. The Deputy Chief will also be notified to begin the internal investigation process. The internal investigation will be conducted by staff trained in the investigation of sexual misconduct.

C. Investigations (115.322, 115.361, 115.371)

The El Paso Juvenile Justice Center PRE and POST facilities will ensure that an administrative internal investigation will be promptly, thoroughly, and objectively conducted and completed for all allegations of sexual abuse and sexual harassment including third-party and anonymous reports. The allegations will also be referred to the EPSO for determination of criminal investigation to be conducted and completed. At their discretion, TJJD may also conduct a separate individual investigation of the allegations.

1. All persons shall fully cooperate with any investigation of alleged abuse, neglect, or Exploitation. The juvenile board, administrator or designee shall make a diligent effort to identify and make available for questioning all persons with knowledge of alleged abuse, neglect, exploitation or death which is the subject of a TJJD investigation.
2. Until the conclusion of the internal investigation, any person alleged to be the subject of investigation of abuse, neglect, or exploitation shall be placed on administrative leave or reassigned to a position having no contact with the alleged victim's family, and individuals under supervision by the juvenile probation department, participating in a juvenile justice program or under the jurisdiction of the juvenile court.
3. If prior to the conclusion of the internal investigation the subject of the investigation

resigns or is terminated from employment, TJJD shall be notified no later than the second business day after the resignation or termination. In addition, if the subject (s) seeks employment in another jurisdiction prior to the conclusion of the internal investigation, and the investigating jurisdiction has knowledge of it; the investigating jurisdiction shall notify the prospective employer of the investigation. If prior to the conclusion of the internal investigation the subject obtains employment in another jurisdiction, they shall not be placed in a position having any contact with any juveniles until the disposition of the internal investigation is finalized in the county of the previous employment.

4. If during the course of an investigation it is determined that the alleged perpetrator acted outside the scope of his or her assigned duties or did not adhere to the facility's policies and procedures in which they were trained, the alleged perpetrator will be held responsible. However, if it is determined that the facility administrator failed to ensure the person received proper training or instructions regarding standards and the facility's policies and procedures, the facility may be determined to be in non compliance with TJJD standards.
5. At the conclusion of the internal investigation, the chief shall take appropriate measures to provide for the safety of the juveniles. Appropriate measures may include additional training of staff specifically involved in the incident or of all staff. The subject of investigation will be informed of the outcome of the investigation and the measures to be taken. Other measures may include suspension or termination of staff involved in the incident. Additionally, appropriate 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 juveniles and staff and to prevent subsequent incidents. If during the course of conducting this investigation, a violation of the Code of Ethics is discovered a separate internal investigation may be conducted regarding the Code of Ethics violation. If the investigation substantiates that a violation occurred, the violation shall be reported to TJJD.
6. In this situation the chief or the juvenile board has two options: the information regarding the Code of Ethics violation may be included in the abuse, neglect and exploitation investigation report or a separate internal investigation report that addresses only the violation of the Code of Ethics may be submitted.
7. At the conclusion of an investigation, residents who have been determined to be victims of physical and/or emotional abuse, neglect, or exploitation while in the facility will be provided appropriate behavioral health assessments and counseling services as determined by a mental health professional.
8. All staff, contractors, and volunteers shall fully cooperate in the investigation.
9. The El Paso Sheriff's Department or TJJD will take the lead in all criminal investigations;
10. The investigating entity will have access to all records and files as legally permissible, to include video records; and
11. Space will be provided for the investigating entity to conduct interviews and/or to review records and files;
12. 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.
13. The concluded report will be provided to JPD.
14. Findings of Investigator
 - a. Substantiated Allegation – an allegation that was investigated and determined to have occurred.
 - b. Unfounded Allegation – an allegation that was investigated and determined not to have occurred.

- c. 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.

V. TRAINING AND EDUCATION

A. Training for Staff, Contractors, Interns and Volunteers (115.331, 115.332)

Prior to having contact with the residents all staff, interns, volunteers, and contractors who have contact with the residents will be trained on all of the following components through the departments training on Avoiding and Preventing Staff Sexual Misconduct:

1. The El Paso Juvenile Justice Center PRE and POST facilities Zero Tolerance Policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under the El Paso Juvenile Justice Center PRE and POST facilities 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 in 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.
12. Refresher training will be conducted with all employees every year. 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 each training provided including the dates, times and duration of training. A sign in sheet of attendees will be maintained for each training provided. A pre/post test will be given to ensure the staff, volunteers, and contractors understand the training they received. Following the training the staff, volunteers, and contractors will sign a statement that they understood the training provided.

B. Resident Education (115.333)

1. Residents will receive information explaining the agency's zero tolerance policy by the Officer conducting the admissions process (upon arrival) verbally and will be provided through the juvenile handbook.
2. Additional education will be provided within 7 days of admission in the unit scheduled every Friday. The JSO assigned the unit will ensure that the residents watch the comprehensive video. 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 team leader the need for additional resources. The team leader will notify the PREA Coordinator who will contact the appropriate community resource services. Arrangements will be made for an interpreter, when necessary. In all circumstances, The El Paso Juvenile Justice Center PRE and POST facilities will not rely on resident interpreters.
3. The education will include the resident'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 video the JSO assigned the unit will ensure the resident signs the PREA unit orientation form acknowledging participation in this education. The form will be turned in to the supervisor on duty to be maintained in the resident's individual file at Central or base Control.

C. Specialized Training: Investigation (115.334)

1. Employees assigned to conduct sexual abuse investigations shall receive training in conducting such investigations in confinement settings. If the person conducting the investigation is not an employee, the Director will insure that the investigating agency has the appropriate training to conduct the investigation.
2. Specialized training shall include:
 - a. Techniques for interviewing juvenile sexual abuse victims, b. Proper use of Miranda and Garrity warnings,
 - b. Sexual abuse evidence collection in confinement settings, and
 - c. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.

D. Specialized Training: Medical and Mental Health Staff (115.335, 115.361)

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:

- a. How to detect and assess signs of sexual abuse and sexual harassment.
- b. How to preserve physical evidence of sexual abuse.
- c. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment.
- d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- e. Medical and mental health practitioners are required by mandatory reporting laws to report sexual abuse to the EPSO, Texas DFPS, TJJJ and the Director.
- f. 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.
- g. All training will be maintained in the individual's personnel/training file.
- h. Medical health staff shall not conduct forensic investigations but will assist and cooperate with the EPSO in conducting the investigation.

VI. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

OBTAINING INFORMATION 115.341

- A. 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 following forms:
 1. Pre - the facility objective screening instrument, follow up questioner, intake behavioral screening form, intake behavioral screening follow-up questionnaire, and medical health screening forms.
 2. Post – in addition to the above forms: the interagency common application, social history report, court orders or the referral information form.
- B. Residents will be screened by the admissions officer for the risk of sexual victimization and abusiveness using the facility behavioral screening and medical health screening forms.

- C. Information will be obtained through conversations with the resident, medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records and other relevant documentation from the resident's files.
- D. The intake staff will provide this information to the 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.
- E. Sensitive information obtained will not be exploited to the resident's detriment by staff or other residents. All staff will follow appropriate confidentiality 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.
- F. 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 JSO's working the unit. This information will be placed in the resident's file and relayed to the supervisor on duty. If warranted, the supervisor will notify the Facility Administrator to determine if further action is necessary.
- G. Medical and mental health practitioners 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

- A. All information obtained upon intake and periodically throughout the residents' 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.
- B. A resident may be isolated only as a last resort when less restrictive measure 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.
- C. During any period of isolation residents shall not be denied large-muscle exercise, educational programming, 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.
- D. 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 the agency, consider LGBTI identification or status as an indicator of likelihood of being sexually abusive.
- E. 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.
- F. Placement and programming assignments for each transgender or intersex resident shall be reassessed by the Administrator and PREA Coordinator at least twice each year to review any threats to safety experienced by the resident.
- G. A transgender or intersex resident's own view with respect to his/her own safety shall be given serious consideration.
- H. Transgender or intersex residents shall be given the opportunity to shower separately from other residents.
- I. For residents described in paragraph (b) of this subsection, a review will be held every 30 days by the administrator and supervisor to determine whether there is a continuing need for separation from the general population.

VII. RESIDENT EDUCATION 115.316, 115.333

- A. Residents shall receive information explaining the agency's zero tolerance policy in an age appropriate fashion including how to report incidents or suspicions of sexual abuse or sexual harassment in the following manner:
 1. Pre - by the officer conducting the intake process (upon arrival) verbally and will be provided the zero tolerance pamphlet.
 2. Post – by the case manager assigned to the youth verbally and provided the zero tolerance pamphlet within 12 hours of arrival.
- B. Additional comprehensive age appropriate education shall be provided within 10 days of intake in the unit as scheduled every weekend. The JSO assigned the unit will ensure that the youth watch the comprehensive video. 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 supervisor the need for additional resources. The supervisor will notify the facility administrator who will contact 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. In all circumstances this facility will not rely on resident interpreters.
- C. 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.
- D. Upon conclusion of the video the JSO assigned the unit will ensure the resident signs the PREA unit orientation form acknowledging participation in this education. The form will be turned in to the supervisor on duty to be maintained in the resident's individual file in the supervisor's office.
- E. PREA information will be continuously and readily available in the unit, the resident handbook and posted in the unit.

VII. REPORTING

A. Resident Reporting (115.351, 115.352):

1. As a resident of The El Paso Juvenile Justice Center PRE and POST facilities, there are some things resident's can do to minimize the risk of becoming a victim of sexual assault, abuse, or harassment:
 - Avoid isolated or secluded areas of The El Paso Juvenile Justice Center PRE and POST facilities.
 - Never share personal information with another resident.
 - Never accept gifts or favors from another resident.
 - Never give gifts to or do favors for another resident.
 - Be cautious of residents who attempt to be overly friendly, tries to isolate you from interacting with other residents or staff, or repeatedly shows interest in your personal matters.
 - Report all incidents of actual or attempted sexual contact, threats against you or your family, intimidation, or sexual conversations.
2. Resident's have the right 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 or by using the facility's grievance process. JSO's will ensure copies of blank grievances are available in the unit at all times. Resident's shall have access to a grievance copy at all times.

Residents can submit a grievance without submitting it to a staff member who is the subject of the complaint. Upon completion, the resident may turn the grievance in to the team leader on duty, place in the unit grievance box or turn it into one of the following staff members:

JPOs
JSOs
Counselors
Teachers
Volunteers
Interns
Team Leaders
Director

3. 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 **or the El Paso County Sheriff Department.**
 4. Staff will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports on a TJJD Incident Report. Staff will then follow the mandatory reporting duties. The incident report will be turned in to the supervisor on duty to follow the mandatory reporting duties.
 5. Staff may privately report sexual abuse and sexual harassment of residents to the EPSO, TJJD, direct supervisor or the PREA coordinator. Staff must also report sexual abuse and sexual harassment **immediately to the Director.**
 6. Any report of sexual assault, abuse, or harassment alleged to have occurred within the El Paso Juvenile Justice Center PRE and POST facilities will be investigated to the fullest extent by the Director or designee and will be reported to the EPSO for possible criminal investigation and prosecution.
- B. Resident Access to Outside Confidential Support Services (115.353)**
1. Residents will have access to the SANE nurse at El Paso Children's Hospital. The SANE nurse will respond to the hospital to provide emotional support services and resources for legal representation.
 2. Reasonable communication between the resident and CASFV will be held in a confidential manner as possible.
 3. 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.
 4. Reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents/legal guardians will be provided.
 5. The El Paso Juvenile Justice Center PRE and POST facilities have a memorandum of understanding with The Center Against Sexual Family Violence to provide these services. Contact Information: tjjdirc@tjjd.texas.gov call 1-800- 477-8354.
- C. Third Party Reporting (115.354)**
1. Third parties, including fellow residents, staff, family members, attorneys, and outside advocates will be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and will also be permitted to file such requests on behalf of the residents.
 2. If a third party, other than a parent or legal guardian, submits a grievance on behalf of a resident and the alleged victim does not want to pursue charges on his or her behalf, the refusal will be documented within the investigation. The facility will follow subsequent steps in the administrative remedy process.
 3. A parent or legal guardian shall be allowed to file a grievance regarding allegations of sexual abuse on behalf of the resident without the resident agreeing to have the request filed on his or her behalf.

- a. A community grievance form is available on www.epcounty.com
Go to the County Department link, Juvenile Services link, To Report Abuse link, and the CommunityGrievanceForm.
- b. Print the form and mail or deliver to:
6400 Delta,
El Paso TX 79905
Attention: PREA Coordinator.

VIII. OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

- A. Mandatory Reporting and Protective Duties (115.321, 115.322, 115.352, 115.353, 115.354, 115.361, 115.362, 115.365, 115.366, 115.367, 115.368)** – staff shall comply with all mandatory child abuse reporting laws.
1. All allegations of sexual abuse/sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents will be investigated both criminally and administratively.
 2. Residents and staff shall immediately report sexual abuse or sexual harassment, staff neglect or violation of staff responsibilities, or retaliation to any employee, to TJJJ (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.
 3. TJJJ will inform the Director of all reports made to TJJJ to ensure they are properly investigated. The Director will notify the EPSO and the Deputy Chief to initiate the investigation.
 4. The Director will take steps to separate the alleged victim from the alleged perpetrator.
 5. Staff will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports on an informative incident report.
 6. Staff will report immediately to the Director, supervisor on duty, or PREA Coordinator, the medical and mental health staff, and the EPSO of any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the JDC; 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. Staff will immediately inform medical and mental health staff.
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 or designated Officer and will be reported to the El Paso County Sheriff's Department for possible criminal investigation and prosecution. The PREA coordinator or designated Officer will follow up on all investigations with the sheriff office and/or TJJJ until completion of the investigation.
 7. Apart from reporting to the above, staff will keep confidential any information related to the sexual abuse report to anyone other than to the extent necessary, to make service delivery, investigation and other security and management decisions.
 8. Residents are not required to use the informal grievance process or attempt to resolve with staff, an alleged incident of sexual abuse.
 9. If a resident who alleges sexual abuse or sexual harassment submits a grievance the grievance officer will ensure that the grievance is not referred to the staff member who is the subject of the complaint.
 10. A final decision on a grievance alleging sexual abuse must be made within 90 days of the initial filing of the grievance. Following the investigation of the report alleging sexual abuse the Director will review the investigation and make a final decision on the grievance. The PREA Coordinator/Investigator will inform the resident of the final decision.

- a. The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.
11. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.
 12. Residents may use the emergency grievance process to file allegations of sexual abuse and sexual harassment if the resident is subject to a substantial risk of imminent sexual abuse. The emergency grievance process provides the resident with access to report to the team leader on duty immediately to ensure the resident is not at substantial risk of imminent sexual abuse.
Emergency Grievance process:
 - a. The resident will request of the JSO on duty to speak to the team leader.
 - b. The resident will make the report to the team leader.
 - c. If the resident alleges they are at substantial risk of imminent sexual abuse, the team leader will take immediate steps to ensure the safety of the resident. Immediate corrective action may be taken.
 - d. The team leader will then follow the mandatory reporting steps.
 13. In collaboration with the Director an initial response will be provided within 48 hours with a final decision within 5 calendar days. The initial response and final decision shall document the determination if the resident is at substantial risk of imminent sexual abuse and the action taken.
 14. An extension of time to respond up to 70 days may be claimed if the time allowed is insufficient to make an appropriate decision. The resident will be notified in writing of any extension and provided with a date by which a decision will be made.
 15. 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.
 16. 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 the residents.
 17. If a third party, other than a parent or legal guardian, files a request on behalf of resident and the alleged victim does not want to pursue charges on his or her behalf; the refusal will be documented within the investigation. The facility will follow subsequent steps in the administrative remedy process.
 18. A parent or legal guardian shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of the resident without the resident agreeing to have the request filed on his or her behalf.
 - a. A third party grievance form is available on www.epcounty.com. Go to the Juvenile Probation Department link
 - b. Click on Juvenile Services link
 - c. To Report Abuse link, and
 - d. The Community Grievance Form.
 - e. Print the form and mail or deliver to:
 - Juvenile Probation Department
 - 6400 Delta Dr.
 - El Paso Tx, 79905
 - Attention PREA Coordinator
 19. **Emergency Grievance process** Residents may use the emergency grievance process to file allegations of sexual abuse and sexual harassment if the resident is subject to a substantial risk of

imminent sexual abuse. The emergency grievance process provides the resident with access to report to the team leader on duty immediately to ensure the resident is not at substantial risk of imminent sexual abuse.

- a. The resident shall request of the JSO on duty to speak to the team leader.
 - b. The resident will make the report to the supervisor.
 - c. If the resident alleges they are at substantial risk of imminent sexual abuse, The team leader will take immediate steps to ensure the safety of the resident. Immediate corrective action may be taken.
 - d. The supervisor will then follow the mandatory reporting steps.
20. In collaboration with the Director an initial response will be provided within 48 hours with a final decision within 5 calendar days. The initial response and final decision shall document the determination if the resident is at substantial risk of imminent sexual abuse and the action taken.
21. All residents and staff who report sexual abuse or harassment or cooperate with sexual abuse or harassment investigations will be protected from retaliation by other residents, staff which will be monitored by the PREA coordinator/investigator and Shift Supervisor.
22. The alleged staff or resident abusers will not have contact with the victim. Staff will be placed on leave until the conclusion of the investigation with possible disciplinary or criminal action as warranted. Residents may be placed in another unit until the conclusion of the investigation. .
23. Emotional support services will be provided to staff and residents related to sexual abuse 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 through the employee assistance program.
 - b. Residents alleging sexual abuse will be referred to the Sexual Abuse Nurse Examiner (SANE) at El Paso Children's 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 professional (MHP) to determine if further services are warranted. The facility MHP may refer for 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.
24. For at least 90 days following a report of sexual abuse, the administrator/designee shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered 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.
25. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need.

26. For residents, such monitoring shall also include periodic status checks to be conducted by the Shift Supervisors. Status checks will be conducted randomly twice weekly and documented on a status check form. The status check form will be maintained in the Compliance officer/PREA Coordinator's office.
27. If an individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take appropriate measure, to include contacting the Sheriff's Department, to protect the individual against retaliation.
28. The obligation to monitor shall terminate if the allegation is unfounded.
29. Segregation to protect a resident who is alleged to have suffered sexual abuse shall follow requirements of the El Paso Juvenile Justice Center PRE and POST facilities isolation policy to protect the resident in the least restrictive manner. This will occur only as a "last resort." Resident's 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 clinician and access to regular program opportunity to the extent possible.
30. The JDC will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

B. Reporting to other Facilities (115.363):

1. Any allegation that a resident was sexually abused while in another confinement facility; the Director 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 Director will document the notification and also notify TJJD, through a TJJD Incident Report.
4. The facility head or agency office shall ensure the allegation is investigated in accordance with PREA standards. Other facility/Agency will need to follow PREA standards.

C. First Responders Duties (115.364)

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

1. Separate the alleged victim and abuser pending the outcome of the investigation or of a determination of whether and to what extent discipline is warranted.
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, as appropriate, smoking, drinking, washing, brushing teeth, changing clothes, urinating, defecating, or eating. The Director/designee will collect all unit documentation, including general unit log, individual room logs, seclusion logs, control log, and applicable video surveillance recordings.
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 JSO/JPO, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and notify the JSO/Supervisor/Administrator/PREA Coordinator/Investigator.
6. The supervisor/designee will contact the Director immediately to determine if the youth will be transported to SMC by EMS or by the facility vehicle by the JSO.

IX. INVESTIGATIONS

Internal investigation (115.371, 115.372, 115.373)

Where sexual abuse is alleged, the JPD shall use investigators who have received special training in sexual abuse investigations involving juvenile victims. The Director or designee shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data and shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. **The Director of the Pre facility (or designee) will conduct investigations for the Post facility. The Director of Post facility (or designee) will conduct investigations for the Pre facility.**

- A. Investigations shall include an effort to determine if staff actions or failure to act contributed to the abuse.
- B. Investigations shall be documented per TJJD incident form requirements and by a trained investigator. Investigation requirements including:
 - a. Description of the physical and testimonial evidence,
 - b. The reasoning behind credibility assessments, and
 - c. Investigative facts and findings.
- C. No standard higher than a preponderance of evidence is required to determine whether allegations of sexual abuse or sexual harassment are substantiated.
- D. 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.
- E. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- F. The resident will be informed of the outcome of the investigation whether or not it has been determined to be substantiated, unsubstantiated, or unfounded.
- G. If the investigation was not conducted by the facility, the PREA coordinator will request the relevant information from the investigative agency to inform the resident.
- H. Written reports of administrative and criminal investigations shall be retained as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
- I. Departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation.
- J. If outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- K. The following notifications shall be documented in the investigation file:
 - a. Allegations involving sexual abuse by a staff.
- L. Unless determined unfounded, the resident shall be informed of the following:
 - a. The staff member is no longer posted in the resident's unit;
 - b. If the staff is no longer employed at the facility;
 - c. If 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.
- M. Allegations involving sexual abuse by another resident – the victim will be informed of the following:
The facility learns that the alleged abuser has been indicted or convicted (change from adjudicated) on a charge related to sexual abuse within the facility.
- N. All notifications or attempted notifications shall be documented. The facility's obligation to report shall terminate if the resident is released from the facility's custody.
- O. The JPD shall not terminate an investigation solely because the youth of the allegation recants the allegation.

- P. When the quality of evidence appears to support criminal prosecution, JPD will conduct compelled interviews only after consulting with legal as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- Q. 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. The JPD will not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- R. Administrative investigations:
 - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- S. 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.
- T. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- U. The JPD will retain all written reports referenced in paragraphs (R) and (S) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
- V. The departure of the alleged abuser or victim from the employment or control of the facility or JPD will not provide a basis for terminating an investigation.
- W. TJJD or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- X. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

X. DISCIPLINE

A. Discipline Sanctions for Staff (115.376)

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.

At the conclusion of the internal investigation, the administrator shall take appropriate measures to provide for the safety of the residents. The subject of investigation will be informed of the outcome of the investigation and the measures to be taken.

Measures may include:

1. 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.
2. Additional training of staff specifically involved in the incident or of all staff;
3. Suspension or termination of staff involved in the incident; and
4. Possible criminal prosecution.

Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. All terminations for violations of facility sexual abused or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement, unless the activity was clearly not criminal, to TJJD and to any relevant licensing bodies.

B. Corrective Action for Contractors and Volunteers (115.377)

1. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with residents and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The facility will take appropriate remedial measures, and will consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

C. 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 El Paso Juvenile Justice Center PRE and POST facilities policies and procedures following a finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident on resident abuse.
2. Disciplinary sanctions will 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 separated, the rules following isolation requirements will be followed.
4. Residents in isolation will receive daily large-muscle exercise, access to educational programming or special education services and daily visits from a medical or mental health care clinician.
5. Placement and programming assignments for each transgender or intersex resident will be reassessed by the Director and PREA Coordinator twice each year in January and July to review any threats to safety experienced by the residents.
6. A transgender or intersex resident's own view with respect to his/her own safety will
 - a. be given serious consideration.
7. Transgender or intersex residents will be given the opportunity to shower separately from other residents.
8. If a resident is isolated, the facility will 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.
9. A review will be held every 30 days by the Director and Senior Officer to determine whether there is a continuing need for separation from the general population.
10. The disciplinary process will consider if the resident's mental disabilities or mental illness contributed to the behavior when determining what sanction, if any, is imposed.
11. The El Paso Juvenile Justice Center PRE and POST facilities will determine if the resident will receive counseling or other interventions to address and correct underlying reasons or motivations for the abuse. The El Paso Juvenile Justice Center PRE and POST facilities may require participation in interventions as a condition of access to privileges within the program.
12. A resident may be disciplined for sexual contact with staff only upon a finding that the staff did not consent to or coerce such contact.
13. 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.
14. Sexual activity between residents is strictly prohibited.
15. A resident may be disciplined for filing a grievance related to alleged sexual abuse only when determined the resident filed the grievance in bad faith.
16. False allegations against either residents or staff will receive disciplinary measures. Charges may be filed for making a false allegation.

XI. MEDICAL AND MENTAL CARE

A. Medical and Mental Health Screenings (115.381)

1. If the behavioral screening indicates a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, or any juvenile facility.” For example, if a juvenile has a prior detention or placement in another out-of-county/state juvenile facility, and once in the EPCJPD, the juvenile discloses sexual abuse, the EPCJPD would be required to offer medical/mental health evaluation...etc, per this standard, the admitting officer **shall ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days, and** provide a copy of the behavior health screening form to the following:
 - a. Director
 - b. Senior Officer
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 will ensure the resident is offered a follow-up meeting with a mental health practitioner within 14 days of admission following the above steps
3. If the mental health practitioner determines through the follow-up that services are not warranted, The El Paso Juvenile Justice Center PRE and POST facilities need not provide services.
4. Any information related to sexual victimization or abuse that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to develop service plans and security and management decisions, including housing, bedding, education, and program assignments, or as otherwise required by Federal, State, or Local law.

B. Access to Emergency Medical and Mental Health Services (115.382)

1. Victims of sexual abuse will 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 practitioners 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 will take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners, PREA Coordinator or Director.
3. Resident victims of sexual abuse while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate. The required information/care will be provided by SMC.
4. Treatment services will be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with the investigation arising from the incident.

C. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers (115.383)

1. The El Paso Juvenile Justice Center PRE and POST facilities will offer medical and mental health evaluation and, as appropriate, services to all residents who have been victimized by sexual abuse in The El Paso Juvenile Justice Center PRE & POST facilities and at any juvenile facility.
2. The evaluation and services will include, as appropriate, follow-up services, service plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
3. Services provided will be consistent with the community level of care.
4. Resident victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.
5. If pregnancy results from the abuse, the victim will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Tests for sexually transmitted infections as medically appropriate will be offered.

7. Services will be provided to the victim without financial cost regardless if the victim names the abuser or cooperates with the investigation of the incident.
8. The El Paso Juvenile Justice Center PRE and POST facilities will attempt to conduct a mental health evaluation of all known resident abusers within 60 days of learning of such abuse history and offer services when deemed appropriate by mental health practitioners.
9. The El Paso Juvenile Justice Center PRE and POST facilities mental health practitioners will determine the length of services needed.

D. Sexual Abuse Incident Reviews (115.386)

1. The El Paso Juvenile Justice Center PRE and POST facilities will 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. The review will occur within 30 days of the conclusion of the investigation.
3. The review team shall include the Chief Juvenile Probation Officer, Deputy Chief Probation Officer, Facility Director, Clinical Director, line supervisors and PREA Coordinator, with input from team leaders, investigators, and medical or mental health practitioners.
4. The review team will:
 - 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 El Paso Juvenile Justice Center PRE and POST facilities 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 Prison Rape Elimination Act (PREA) Compliance Coordinator, Chief Probation Officer and the Juvenile Board Chairperson.
5. The Director will implement the recommendations for improvement, or will document the reasons for not doing so.

E. Data Collection (115.387, 115.388, 115.389)

The facility shall review data collected and aggregated pursuant to § 115.387 to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, practices, and training. Data collected pursuant to 115.387 will be securely retained. The El Paso County Juvenile Justice Facility shall conduct audits pursuant to 115.401-405.

1. The El Paso Juvenile Justice Center PRE and POST facilities will collect accurate, uniform data for every allegation of sexual abuse at the facility using the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
2. The El Paso Juvenile Justice Center PRE and POST facilities will aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected will include the following data:
 - a. Number of youth held through the calendar year
 - b. Gender

- c. Age
 - d. Number of youth released through the calendar year
 - e. Number of reported Non-consensual acts and the findings of those investigations
 - f. Number of reported Abusive Sexual Contact and the findings of those investigations
 - g. Number of reported youth-on youth sexual harassment and the findings of those investigations
 - h. Number of reported Staff Sexual Misconduct and the findings of those investigations
 - i. Number of reported Staff Sexual Harassment and the findings of those investigations
4. The El Paso Juvenile Justice Center PRE and POST facilities will 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 El Paso Juvenile Justice Center PRE and POST facilities will provide all such data from the previous calendar year to the Department of Justice.
 6. Data Review for Corrective Action
 - (a) The review will include:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of the findings and corrective actions.
 - (b) The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the facilities progress in addressing sexual abuse.
 - (c) The report shall be approved by the Facility Administrator and made readily available to the public through the facility website (www.victoraicountytx.org).
 - (d) The facility may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
 7. Data Storage, Publication, and Destruction
 - (a) The facility shall ensure that data collected pursuant to § 115.387 are securely retained.
 - (b) The facility shall make all aggregated sexual abuse data, readily available to the public at least annually through the county website.
 - (c) Before making aggregated sexual abuse data publicly available, the facility shall remove all personal identifiers.
 - (d) The facility shall maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of initial collection unless Federal, State, or local law requires otherwise.