



BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

POLICY

A safe and orderly environment shall be maintained for all persons in the Brazos County Detention Center. The Department shall maintain a zero tolerance for sexual assault and staff sexual misconduct by maintaining a program of prevention, detection, response, investigation and tracking. Sexual assault among inmates and staff sexual misconduct with inmates is strictly prohibited and subject to administrative disciplinary sanctions and criminal prosecution.

REFERENCE

Prison Rape Elimination Act 2003

OVERVIEW

This policy prescribes guidelines and procedures for prevention, detection, response, investigation and tracking of sexual assaults and sexual misconduct.

DEFINITIONS

Sexual Abuse: The forcing of unwanted sexual activity by one person on another, by the use of threats or coercion.

Sexual Misconduct: Any act or behavior of a sexual nature directed toward an inmate by any staff member. This includes acts or attempts, including but not limited to, sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature, and unreasonable or unnecessary invasion of privacy. Behavior of a sexual nature includes, but is not limited to, inappropriate remarks or conversations, sexualized name-calling, correspondence that suggests a romantic or sexual relationship and physical contact in a sexual manner.

Sexual Assault: Sexual assault is defined as any contact between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth, or anus of another person, by the use of force or threat of force, against the will of the victim, or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

Sexual Victimization/Sexual Violence: All types of sexual activity including oral, anal or vaginal penetration, hand manipulation, touching of the inmate's buttocks, thighs, penis, breasts or vagina in a sexual way, abusive sexual contacts, and both willing and unwilling sexual activity with staff.

Abusive Sexual Contacts: Unwanted contacts with another inmate or any contacts with staff that involved touching of the inmate's buttocks, thigh, penis, breasts or vagina in a sexual way.

Nonconsensual Sexual Acts: Unwanted contacts with another inmate or any contacts with staff that involved oral, anal or vaginal penetration, hand manipulation and other sexual acts.

Inmate on Inmate Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments or gestures or actions of derogatory or offensive sexual nature by one inmate directed toward another inmate.

Staff on Inmate Sexual Abuse: Contact incidental to a physical altercation that is unrelated to official duties or where 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.

Staff on Inmate Unwilling Activity: Incidents of unwanted sexual contacts between inmates and staff.

Staff on Inmate Willing Activity: Incidents of willing sexual contacts between inmates and staff. These contacts are characterized by the reporting inmate as willing, however, all sexual contacts between inmates and staff are legally nonconsensual.

Staff on Inmate Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff on Inmate Voyeurism: An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his/her cell, requiring an inmate to expose his/her buttocks, genitals or breasts, or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions and distributing or publishing them.





BRAZOS COUNTY OFFICE OF THE SHERIFF CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

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.

Transgender: A person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth.

PROCEDURE

I. TRAINING

A. Staff Training

1. Training will be provided to all new officers during initial training.
2. Volunteers will be given training prior to being allowed access to inmates.
3. Annual retraining will be mandatory for all staff of the Brazos County Detention Center, including civilian employees.

B. Inmate Education

1. Comprehensive inmate education on sexual assault, sexual victimization and sexual misconduct is provided during the orientation process. Information is provided about sexual abuse/assault including:
 - a) Prevention/intervention
 - b) Self-protection
 - c) Reporting sexual abuse/assault
 - d) Treatment and counseling. Treatment and counseling are offered through Medical Services.
2. Posters are posted in English and Spanish with information on sexual abuse/assault in all inmate housing areas and in the pre-booking and booking areas.





BRAZOS COUNTY OFFICE OF THE SHERIFF CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
3. Inmates with disabilities shall have equal opportunity to participate and benefit from the agency's efforts to prevent, detect, and respond to sexual abuse and harassment.
 4. Inmate interpreters are not to be used. The Language Line shall be used for all information relating to PREA and sexual abuse or harassment investigations. If an inmate interpreter must be used in an emergency that incident shall be documented.

C. Visitors

1. Posters will be posted in English and Spanish in the reception area, prohibiting sexual misconduct.
2. Information on zero tolerance of sexual misconduct is posted on the agency website.
3. Requirements to report sexual abuse or harassment will be posted in English and Spanish in the reception area and on the agency website.

II. CLASSIFICATION

- A. All inmates will be screened within 72 hours for history of sexual abuse and sexual assault, and housed according to their screening. Additionally, inmates will be screened for predatory behavior including current or past charges of sexual abuse/assault.
- B. All inmates will be screened for likelihood for victimization: Youthful, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) and Gender Nonconforming inmates have particular vulnerabilities.
 1. In deciding whether to assign a transgender or intersex inmate to a housing location for male or female inmates, and in making other housing and programming assignments, Classification may not assign the inmate to a housing location based on genital status alone. Classification must consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
2. No youthful offender will be placed in a housing unit in which he or she will have sight, sound, or physical contact with any adult inmate through the use of a shared day room or other common space, shower area or sleeping quarters.
 3. Inmates shall not be disciplined for refusing to answer, or not answering completely, the questions pertaining to their risk of victimization or abusiveness.
- C. All inmates will receive a mental health screening, which shall include a review of any history of sexual abuse, victimization, or sexual offenses committed by the inmate. Mental Health staff will counsel as necessary, and ensure that Classification is notified if any housing changes are needed for the safety of the inmate(s).
- D. The use of a shared calendar and PREA reassessment form shall be used to aid in the monitoring of potentially vulnerable or potentially abusive inmates.
- E. Inmates will be reassessed upon any new information that may have an impact on the inmate's risk of sexual victimization or abusiveness.
- F. Classification, for at least 90 days following a report of sexual abuse, shall coordinate with the PREA Coordinator to monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and acts promptly to remedy any such retaliation. Any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff shall be taken into consideration when monitoring for retaliation. The PREA Coordinator shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. In the case of inmates, such monitoring shall also include periodic status checks. Classification shall use the PREA reassessment form and the PREA calendar to aid in this monitoring.

III. REPORTING AND INVESTIGATING STAFF SEXUAL MISCONDUCT

- A. An inmate may report staff sexual misconduct to any staff member. The staff member receiving the complaint will:
1. Notify their supervisor. Any civilian staff member receiving a report of staff sexual misconduct from an inmate will notify the Security Supervisor of staff member responsible for their department.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
2. Separate the inmate for their own safety if needed in the situation.
 3. Contact Classification
 4. Contact Mental Health and Medical staff as appropriate to situation.
 5. Inmates or Staff shall not be disciplined for reporting sexual abuse except in cases where it is demonstrated that the report was filed in bad faith.
- B. Supervisor receiving complaint of staff sexual misconduct will conduct a preliminary investigation and document the complaint.
1. The preliminary investigation and complaint will be forwarded to the Security Lieutenant and to the Internal Affairs Office.
 2. The supervisor will ensure that the inmate is housed appropriately to avoid retaliation: victim and aggressor will be separated.
 3. All efforts shall be made to eliminate contact between the inmate and the staff member while the investigation is taking place. There are two separate investigations that could take place, criminal and internal investigation. The Lieutenant and the Internal Affairs Office will determine if a criminal investigation is warranted.
 4. If the staff member is a volunteer or contractor, this will immediately be reported to the responsible Lieutenant, who will determine disposition of the staff member while investigation takes place. The Lieutenant will ensure that an investigation is completed and documented.
 5. The supervisor will ensure that the inmate will be seen by medical and mental health staff as appropriate to the situation. The inmate will be offered the services of SARC as soon as possible.
- C. Staff shall report abuse or harassment directly to an investigator, administrator, or other agency entity without the knowledge of the staff member's colleagues or direct supervisor. Anyone can report sexual abuse or harassment privately through the SARC Hotline.

IV. SEXUAL ASSAULT

- A. An inmate may report sexual misconduct/victimization/assault or any substantial risk thereof to any staff member.
- B. All reports and incidents of sexual assault will be investigated and documented immediately whether received in writing or verbally.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
- C. All details of reports are considered confidential and shall not be revealed to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
- D. If the incident occurred in another facility the Jail Administrator will notify the head of the other facility where the incident occurred within 72 hours. This notification shall be documented.
- E. Any retaliation for reporting shall be reported in detail immediately.
- F. The first responder at incident where there is a sexual assault or upon receiving information that there was a sexual assault shall Immediately:
1. If incident is occurring, report such incident on the radio and ask for a medical response.
 2. If the Officer or any staff member receives information that a sexual assault has occurred, then separate the inmate and contact the Sergeant for immediate response and investigation. The Sergeant will ensure that an investigation takes place, and that it is documented as an incident report. All reports or complaints of sexual assault will be investigated and documented by the Sergeant.
 3. Separate inmates and order uninvolved inmates to another area if necessary to protect the crime scene.
 4. Establish crime scene, and identify witnesses.
 5. Report all information to Sergeant upon arrival.
 6. Neglect of any such duties could contribute to an incident or retaliation and subject to administrative action.
- G. Supervisor's duties
1. Ensure medical staff is at the scene as necessary.
 2. Lockdown the area and ensure crime scene is preserved.
 3. Contact dispatch for a patrol deputy. The patrol deputy will conduct an investigation, talk to witnesses, gather evidence, and will contact the on call investigator if necessary.
 4. The patrol deputy's report will be forwarded to Criminal Investigation Division.
 5. If a staff member is involved, the investigator will complete the arrest reports, and an internal investigation will also take place. These are two





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

separate investigations, and both will be completed and adjudicated separately.

- If a staff member is involved, all efforts shall be made to eliminate contact between the inmate and the staff member while the investigation is taking place.
 - If the staff member is a volunteer or contractor, this will immediately be reported to the responsible Lieutenant. An internal investigation will be completed.
6. The collection of evidence from the victim will be performed at St. Joseph Hospital by certified personnel. The Sergeant will arrange transport as necessary.
 7. The inmate victim will be offered the services of the Sexual Assault Resource Center and will be allowed to use them as necessary.
 8. Ensure that inmates are seen by medical and mental health staff as needed according to the situation.
 9. Inmate victims of sexual abuse while incarcerated must be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate. Inmate victims must also receive comprehensive information about, and timely access to, all lawful pregnancy-related medical services, when relevant.
 10. All substantiated allegations shall be presented to the District Attorney's Office for prosecution.
 11. Inmates shall not be disciplined for reporting sexual abuse except in cases where it is demonstrated that the report was filed in bad faith.

V. SEXUAL ASSAULT RESOURCE CENTER HOTLINE

- A. Anyone (Staff, Inmates, Volunteers, Visitors, etc) can report sexual abuse or harassment privately through the SARC Hotline.
- B. Inmates can call the Sexual Assault Resource Center Hotline free from all inmate phones to speak with an advocate who can offer support, education, and crisis intervention, or to report sexual abuse or harassment.
- C. Advocates will also provide inmates with information regarding how to report the offense to Brazos County Detention Center staff.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
- D. The Sexual Assault Resource Center has reporting requirements for certain circumstances and may report information to the Internal Affairs Investigator or to the PREA coordinator. These two offices will be considered the point of contact with SARC.
 - E. Rape Crisis advocates are permitted to visit inmates and will be afforded an interview room with privacy. Security concerns will be a consideration.

VI. PREA TRACKING

- A. All complaints of sexual assault and the outcomes of any investigations will be reported to the PREA coordinator for tracking purposes. Sexual abuse data will be made available annually through the agency website. These records will be maintained for ten years.
- B. The Internal Affairs Investigator will maintain files on all completed administrative investigations and will coordinate with the PREA Coordinator to ensure all cases of reported sexual abuse/assault are tracked properly.
- C. It is the responsibility of all supervisory staff members who receive a complaint of sexual assault to ensure that a report is made and that it is forwarded to the Security Lieutenant and Internal Affairs.
- D. Inmates may also file inmate request forms concerning sexual assault or staff sexual misconduct or any substantial risk thereof. Any staff member receiving this type of inmate request form shall immediately contact his/her immediate supervisor. The supervisor will ensure the documents are forwarded to the PREA coordinator and the proper notifications are made.
- E. Third parties, including other inmates, staff member, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request the inmate agree to have the request filed on his or her behalf, and may also require the inmate to pursue personally any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, the inmate's decision will be documented.
- F. Inmates who make an allegation of sexual abuse while incarcerated shall be informed verbally or in writing as to whether the allegation has been substantiated, unsubstantiated, or unfounded within 90 days.





BRAZOS COUNTY OFFICE OF THE SHERIFF

CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
- G. All written reports pertaining to the abuser's administrative or criminal investigation shall be retained for the entire length of stay or employment of the abuser plus five years.
 - H. No standard higher than a preponderance of evidence is needed to determine whether allegations of Sexual Abuse or Sexual Harassment have been substantiated.

VII. SUPERVISION AND MONITORING

- A. Supervisors will conduct and document unannounced rounds weekly to identify and deter staff sexual abuse and sexual harassment.
- B. Staff is prohibited from alerting colleagues that such supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.
- C. When assuming a Post, if the officer is the opposite gender of the inmates, he or she must announce his/her presence.
- D. No staff should monitor a camera that is likely to view inmates of the opposite gender while the inmates are showering, performing bodily functions or changing clothing.

VIII. SEARCHES

- A. Clothed Search - An officer commissioned by the Brazos County Sheriff's Office or any other Peace Officer who has lawfully arrested an individual and brought them to the Brazos County Jail may perform this search. An officer of the same gender will conduct this search except in an emergency.
- B. Unclothed Search - Officers licensed and commissioned by the Brazos County Sheriff's Office should perform this search. Sheriff's Office non-commissioned staff may conduct the search in an emergency. A person of the same gender will perform this search.
- C. Any search performed by an officer of the opposite gender shall be documented.
- D. In the case of a transgender inmate the following procedure shall be followed.
 - 1. The transgender inmate will sign a document stating their gender identity. This document will be retained in the inmate's file.
 - 2. Clothed Searches
 - a. If there is prior knowledge that an inmate is transgender and a clothed search is required, the officer performing the search should be of the same sex as identified by the inmate.
 - 3. Unclothed Searches





BRAZOS COUNTY OFFICE OF THE SHERIFF CHRISTOPHER C. KIRK

W. JAMES STEWART, CHIEF DEPUTY
WAYNE DICKY, JAIL ADMINISTRATOR

1700 WEST STATE HIGHWAY 21
BRYAN, TEXAS 77803-1300

-
- a. When an unclothed search is required for a transgender inmate, the search will be conducted by two officers.
 - b. The two officers will be of the same sex that the inmate identifies as.

