

Collin County Detention Facility Guide on Sexual Abuse Prevention and Response for Volunteers and Contractors

1. Introduction to Volunteer and Contractor PREA Training

All inmates who are in the custody of Collin County Detention Facility have the right to be free from sexual abuse and sexual harassment. Our volunteers and contractors are extremely important to our agency and have a role in preventing, detecting, and responding to sexual abuse in this jail.

The following information is about our agency's zero tolerance policy for sexual abuse and sexual harassment, how to report incidents or suspicions of sexual violence in a custodial setting, and additional information on this topic.

The Prison Rape Elimination Act (PREA) of 2003 is a federal law that was created to put an end to sexual abuse against inmates in federal and state prisons, jails, lockups, community corrections facilities, and juvenile detention centers.

Our jail is committed to complying with all of the requirements of PREA in order to protect inmates from sexual abuse and to ensure they get the help they need if they are victimized. PREA requires all volunteers and contractors to receive specialized training in their responsibilities to prevent, detect, and respond to sexual abuse in custody. Every person who works or volunteers in this jail will receive this information

2. Zero Tolerance

Collin County Detention Facility has zero tolerance toward all forms of sexual abuse and sexual harassment.

"Zero tolerance" means that sexual abuse, sexual harassment, and sexual misconduct will not be tolerated in the Collin County Detention Facility. One incident is too many.

Sexual abuse includes—

1. Sexual abuse of an inmate by another inmate; and
2. Sexual abuse of an inmate by a staff member, contractor, or volunteer.

Definitions

1. "Inmate" means any person incarcerated or detained in the jail.
2. "Staff" means an agency employee, including civilian staff.
3. "Contractor" means a person who provides services on a recurring basis through a contract with our agency.
4. "Volunteer" is a person who provides unpaid services to our agency.

Sexual abuse of an inmate by another inmate includes any sexual contact when the victim does not or cannot consent, including if an inmate is coerced or threatened.

Basically, coercion is any time someone is pressured or manipulated to do something they wouldn't otherwise do. For example, an inmate might take advantage of another inmate who has a mental illness or disability, or may offer protection in return for sexual favors. Any time an inmate is unable to give consent to sexual contact – for any reason – it is considered sexual abuse.

When we refer to “sexual contact”, we don't just mean sex. Sexual contact includes any time an inmate's genitals come into contact with another person's mouth, genitals, or buttocks, even if there is no penetration. This also includes when an inmate intentionally touches another inmate on the genitals, breast, groin, inner thigh, or buttocks, without their consent.

According to our state's penal code, Sec. 22.011, sexual abuse/assault is defined as:

Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if:

(1) the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

- (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) the actor is a public servant who coerces the other person to submit or participate;
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

There is no consensual sex between inmates and volunteers or contractors. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes all of the abusive sexual contact we just reviewed. Sexual misconduct also includes any display or "flashing" of the genitals, buttocks, or breasts of a staff member, contractor, or volunteer; and "voyeurism", which is viewing an inmate who is not fully clothed.

By law, inmates cannot consent to sexual contact with staff members, volunteers or contractors. All sexual contact between inmates and staff, volunteers or contractors is considered sexual abuse. It is against the law for you to have sexual contact with inmates, even if the inmate agrees or seems willing. There is no such thing as consensual sexual activity between inmates and staff, volunteers, or contractors.

Our state law also defines staff sexual misconduct as a Felony Offense.

Sexual harassment is also prohibited in this jail. Sexual harassment of an inmate by another inmate includes: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature. Sexual harassment of an inmate by a staff member, contractor, or volunteer is basically the same thing, regardless of whether or not these actions are wanted by an inmate.

Just like employees, potential consequences for volunteers or contractors who sexually abuse or sexually harass inmates include dismissal from the facility, termination of the contract/volunteer duties,

reporting to relevant licensing bodies, criminal prosecution, and civil liability. That means that if you sexually abuse or sexually harass an inmate in this facility, your work with our agency may end, you may be charged with a crime, and/or you may be sued.

For more information on our agency's zero tolerance policy you may contact Captain Bryce Thompson with Sheriff's Office at 972-547-5209 or bthompson@collincountytx.gov

3. How to Report Sexual Abuse or Sexual Harassment

Volunteers and contractors have a duty to report any knowledge, suspicion, or information about sexual abuse or sexual harassment against inmates, retaliation by other inmates or staff, and any staff neglect that may have contributed to this abuse. That means that you are obligated to disclose any information you may have about possible sexual violence against inmates, even if you do not have proof of the abuse or you are unsure. Volunteers and contractors cannot – and should not – keep this information a secret. Failure to report any knowledge, suspicion or information about sexual abuse or sexual harassment in a custodial setting may be grounds for immediate dismissal from this facility.

Reporting a sexual assault behind bars basically means telling anyone who works here. Collin County Sheriff's Office official position is that all reports will be taken seriously and will be investigated. There are several ways to report knowledge, suspicion, or information about sexual abuse or sexual harassment.

Volunteers may report abuse to the Programs Coordinator verbally or in writing. Contractors may report abuse to their direct report verbally or in writing. Additionally, volunteers and contractors may report abuse by calling the Detention Facility at 972-547-5200 and requesting to speak to jail administration regarding a sexual abuse report.

This jail also accepts – and will immediately investigate – a report made on behalf of a third party, such as a loved one or an attorney, as well as reports that are made anonymously. Collin County Sheriff's Office will investigate all allegations of sexual abuse and sexual harassment, even if the person making the report chooses to stay anonymous.

4. Detecting Sexual Abuse and Sexual Harassment

It is important for volunteers and contractors to be aware of signs of sexual abuse or sexual harassment so that you can prevent this violence and report any abuse that may be occurring. As a volunteer or contractor, you have a very important role in detecting any possible sexual abuse or sexual harassment against inmates.

Some common signs of sexual abuse include changes in personality; withdrawal or avoidance of other inmates or staff; weight loss or weight gain; changes in an inmate's appearance or demeanor; unexplained bruises/scrapes/swelling; complaints about stomach aches, headaches, or other pains; fears about going to a certain location in the jail; requests for a cell/facility change; rumors or jokes

about sexual abuse; acting out; as well as signs of trauma, which may include difficulty concentrating; flashbacks; sleep disturbances; panic attacks; being very alert/on-guard/jumpy; increased irritability; suicidal thoughts or attempts; and/or the development of Post-Traumatic Stress Disorder (PTSD) or other related conditions.

If you suspect sexual abuse or sexual harassment may be occurring – or if an inmate discloses this abuse to you – stay calm and inform the nearest staff member.

5. Maintaining Professional Relationships with Inmates

As a reminder, there is no such thing as consensual sexual activity between inmates and staff members, volunteers, or contractors. All volunteers and contractors are expected to maintain professional relationships with inmates at all times. It is your responsibility to ensure that you adhere to all agency guidelines regarding professional conduct, and that you treat inmates in a fair and consistent manner.

Some of the most important ways you can maintain appropriate limits with inmates are to avoid discussing personal information about yourself (also known as “overfamiliarity”), respect inmates’ limits and privacy, and demonstrate professionalism in all of your interactions.

Some examples of behaviors that volunteers and contractors should refrain from include:

- “Horseplay” or touching an inmate or making them touch you when not officially related to volunteer/contractor duties;
- Borrowing or lending anything to/from an inmate, including contraband or other goods;
- Doing favors for an inmate, outside the scope of your volunteer/contractor position;
- Keeping secrets for an inmate, or their family or friends.

As a volunteer or contractor, you are a visitor at this jail. Please let any staff member know if you have any questions or concerns about how to maintain professional relationships with inmates.

If you would like more information about sexual abuse prevention or response or if you have any questions after reviewing above material, please contact the Sheriff’s Office staff providing this written training.