

POLICY AND PROCEDURE

SUBJECT: Non-Discrimination and Sexual Harassment Policy Involving Juvenile Hall Residents

REFERENCE: Title 15, Section 1324; Welfare & Institutions Code, Sections 210 & 885

POLICY: The Contra Costa County Probation Department is committed to providing Juvenile Hall residents and staff an environment that is free from harassment and discriminatory activities. It is the policy of the Contra Costa County Probation Department that all youth housed within the Juvenile Hall facility will have fair and equal access to all available services, placement, care, treatment, and benefits. No person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. Classification decisions, and/or restrictive housing will not be based solely on any of the above mentioned categories.

This policy is explained in the Contra Costa County Juvenile Hall Resident's Orientation Booklet and shall be accessible to all residents. This policy's primary purpose is to focus on Sexual Harassment and Non-Discrimination of youth detained in Juvenile Hall. Additional policies addressing employee Sexual Harassment/Non-Discrimination can be found in the Probation Department Policy Manual, County Administrative Bulletins, and applicable Employee MOU's.

PROCEDURE:

I. Definitions

- A. Discrimination- Treating people differently through prejudice: unfair treatment of one person or group. No one will distinguish, single out, make a distinction or treat a resident unequally or unfairly based on:
1. Race (actual or perceived)
  2. Ethnic group identification
  3. Ancestry
  4. National origin
  5. Color
  6. Religion
  7. Gender
  8. Sexual orientation

9. Gender identity/Gender expression
  10. Mental or physical disability
  11. HIV status
- B. Sexual Harassment- Sexual Harassment is any type of unwelcome talk or action that may happen to a resident based on their sexual identity or preference. This includes touching, sexual words/language spoken either explicitly or inferred, or forceful acts designed to make a resident feel bad, helpless, unsafe, trapped or confused. Sexual harassment can include, but is not limited to:
1. Grabbing, touching and/or pinching
  2. Calling out dirty names
  3. Passing sexual notes and/or pictures
  4. Threats and/or insults
  5. Bumping into someone and/or brushing up against the person
  6. Standing in someone's way and/or standing too close
  7. Comments about a person's body
  8. Whistles and/or rude noises
  9. Gestures/looks such as winking, licking lips, or other suggestive body movements
  10. Exposing genitals and/or buttocks
  11. Request for sex, sexual favors and/or sexual advances
- II. General
- A. Discrimination and sexual harassment are against the law and staff shall take all reasonable steps to prevent such behavior.
  - B. Not all situations of discrimination or harassment by a resident towards another may be avoided in a detention setting, but if staff observe and/or become aware of inappropriate conduct by individuals, steps shall be taken to attempt to prevent the reoccurrence of such misbehavior.
  - C. Complaints of discrimination or harassment may be received from residents either orally or in writing.
  - D. All complaints will be investigated and addressed in a timely manner by a supervisor or selected designee.
  - E. There shall be no discipline, punishment, retaliation or withdrawal of privileges from a resident because he/she filed a complaint.

- F. Incidents of discrimination or harassment, witnessed by or reported to staff, shall be documented and appropriate disciplinary action shall be taken. The type of documentation will depend on the severity and frequency of the offense (See Bulletin No. 210, Subject: Reporting of Incidents).
- III. Initial orientation for new staff, ancillary, non-custodial support staff, contract employees, and volunteers
- A. Adults who have access to detained youth on a recurring basis will be provided with an orientation/training program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment. The level and type of training provided shall be based on the services they provide and the level of contact they have with residents.
  - B. The orientation program shall include, but is not limited to:
    - 1. Information that the Department has zero tolerance towards all forms of sexual abuse, sexual harassment and discrimination
    - 2. Overview of what constitutes sexual abuse, sexual harassment and discrimination
    - 3. Provide relevant copies of policies related to the above topics
    - 4. How to report incidents of misconduct
    - 5. Who to talk to if they have questions about procedures or policies
- IV. Complaints of Discrimination or Harassment by Another Resident
- A. Resident complaints of discrimination or harassment by other youth will be handled at the level determined to be appropriate. Violations could vary in severity from a rude noise at one end of the spectrum to a sexual assault on the other; therefore, staff must use sound judgment and reasonableness when evaluating the correct course of action to take. If in doubt as to the appropriate action, staff should consult with the Lead Juvenile Institution Officer, Supervisor or Building Supervisor as deemed appropriate.
  - B. Any incidents of a serious nature shall be referred in a timely manner to the Building Supervisor for review. Any act committed by a resident that constitutes a crime, which could be charged as a felony offense, will be referred to the Martinez Police Department for further investigation. Incidents that involve a criminal act that is considered a misdemeanor, or the misconduct is significant enough in nature to warrant a referral to the District Attorney for a Violation of Probation, should be referred by the Building Supervisor to Administration for an internal investigation and possible court action.

V. Complaints of Discrimination or Harassment by a Staff Employee, Volunteer, or Other Adult Who Has Access to Detained Youth

- A. A resident's verbal and/or written complaints of discrimination or harassment by a staff employee or other adult, who comes into contact with residents, shall be referred without undue delay to the Building Supervisor or an Administrator for appropriate action. The staff employee witnessing or alerted to the alleged discrimination/harassment shall take reasonable precautions to ensure that the Victim is safe from further harm. Once management is aware of the alleged inappropriate conduct, further steps can be taken to make sure the resident is safe while the investigation is being conducted.

VI. Administrative Review

- A. The Probation Department has a zero tolerance for discrimination and sexual harassment, and will take all appropriate steps to prevent such behavior. All allegations of discrimination or sexual harassment will be reviewed by the Juvenile Hall Director. In situations that require further actions (e.g. an internal investigation or referral to a local law enforcement agency), the matter will be addressed in a timely manner.
- B. If staff engages in discrimination or harassment, the Department will take disciplinary action, up to and including dismissal, for such misconduct. Should the matter rise to the level of criminal conduct, within our legal limit, the Department will cooperate fully with any law enforcement agency's criminal investigation.