

 <b>Scott County Community Corrections</b> <b>Juvenile Alternative Facility</b>  <b>PREA</b>  <b>Policy &amp; Procedure</b>	<b>Chapter 1: Prevention, Planning</b>	
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<b>Authority:</b>  Prison Rape Elimination Act: Juvenile Standards 2012	<b>Approved by:</b>  Scott County Community Corrections Director Molly Bruner	

**PURPOSE & SCOPE:** The purpose and scope of this policy is to ensure the Scott County Juvenile Alternative Facility (JAF) is in compliance with the Prison Rape Elimination Act (June 2012): Juvenile Standards, while meeting the needs of its residents in a safe and therapeutic environment which utilizes an evidenced based / best practices approach to care and services.

**APPLICABILITY:** All staff, Volunteers, Interns, Vendors, and Contractors

**POLICY:** Zero Tolerance

**RESPONSIBILITY:**

**Supervisory Responsibility:**

The Scott County Juvenile Alternative Facility Supervisors are expected to administer this policy as indicated above.

**Employee Responsibility:**

Scott County Juvenile Alternative Facility Staff are responsible to conduct themselves in accordance with this policy.

**REFERENCES**

Community Corrections – Mandated Reporting – FO-035  
 Scott County Policy  
 Scott County JAF Policy /Procedures

## **DEFINITIONS:**

**Maltreatment:** Any act or series of acts of commission or omission by a caregiver that result in harm, potential for harm, or threat of harm to a child or vulnerable adult. These acts could include physical abuse, sexual abuse, emotional abuse, neglect and financial exploitation.

**PREA Initial Responder Checklist:** A form used by an initial responder as a guide to respond to an allegation of sexual abuse or sexual harassment.

**PREA Investigator:** A staff member who has received specialized training in investigating sexual abuse in a correctional setting.

**Preponderance of the Evidence:** A standard of evidence showing that is more probable than not that the event occurred.

**Sexual Abuse:** Sexual activity in a facility, including but not limited to:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; or
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding incidents in which the intent of the sexual contact is solely to harm or debilitate rather than to sexually exploit.

Sexual abuse of an inmate may be committed by another inmate, detainee, or resident, or by a staff member, contractor, or volunteer.

**Sexual Abuse by another resident:** Includes acts where:

- the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;
- Contact occurs between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact occurs between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, occurs by a hand, finger, object, or other instrument; and
- Any other intentional touching occurs, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding incidents in which the intent of the sexual contact is solely to harm or debilitate rather than to sexually exploit.

**Sexual abuse by a staff member, contractor, or volunteer:** includes acts where:

- Contact occurs between the penis and the vulva or the penis and the anus, including penetration,

- Contact occurs between the mouth and the penis, vulva, or anus;
- Contact occurs between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening occurs, however slight, by a hand, finger, object, or other instrument, where the penetration is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact occurs, either directly or through the clothing, of or with the genitalia, anus, groin, breast, 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;
- A staff member, contractor, or volunteer attempts, threatens or requests an inmate engage in the activities described above; A staff member, contractor, or volunteer displays his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and voyeurism by a staff member, contractor, or volunteer.

**Sexual Assault Advocate:** a person who is trained to provide competent, effective crisis intervention services to victims and survivors of sexual assault.

**Sexual Harassment:** Shall mean deliberate or repeated, unsolicited verbal statements or comments of a sexual nature directed to any individual, including demeaning references to gender or derogatory comments about body or clothing, or repeated profane or obscene language or gestures.

**Sexual Misconduct:** any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor or other agency representative. **Sexual relationships** of a romantic nature between residents, staff and residents are included in this definition. Any romantic relationship of a non-sexual nature between residents, staff and residents, volunteers, professionals, contractors and residents are prohibited. **Sexual misconduct** includes, but is not limited to: consensual or nonconsensual sexual acts; completed, attempted, threatened, or requested sexual acts; and occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification. **Sexual misconduct** may also include romantic relationships without a sex such as note passing that includes a sexual content or verbal communications of a sexual nature.

**Sexual Misconduct (Non-Contact):** 1) Exposure of body parts to another person with the intent to be observed by that person, with/without their consent, with the intent to arouse or gratify the sexual desire of any person; 2) Peeping or other voyeurism (watching or observing) of another person, with or without their awareness or consent, with the intent to arouse or gratify the sexual desire of any person; 3) Use of camera, audio recording device, or other electronic means to photograph, record, broadcast, or transmit a visual image, voice, or other sounds (e.g. sexual activity, use of bathroom or toilet) of another person, with/without that person's awareness or consent, with the intent to arouse or gratify the sexual desire of any person; 4) Solicitation of sexual contract of another person that is not authorized as part of a treatment plan or contract to further therapeutic goals and objectives; 5) Stalking another person. Behaviors 1 through 3 are also reportable when directed to animals.

**Sexual Misconduct (Resident on Resident):** Any sexual conduct between residents. Sexual conduct includes intentional touching of another person's intimate parts, or the clothing covering the immediate area of intimate parts, committed with sexual or aggressive intent.

**Sexual Misconduct (Resident on Staff):** Any sexual conduct, resident on staff. Sexual conduct includes intentional touching of another person's intimate parts, or the clothing covering the immediate area of intimate parts, committed with sexual or aggressive intent.

**Sexual Misconduct (Staff on Resident):** Any sexual conduct, staff on resident. Sexual conduct includes intentional touching of another person's intimate parts, or the clothing covering the immediate area of intimate parts, committed with sexual or aggressive intent.

**Substantiated Allegation:** An allegation that was investigated and determined that a PREA incident to have occurred.

**Unfounded Allegation:** An allegation that was investigated and determined not to have occurred, or an allegation that occurred but was determined to not have been a PREA incident.

**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.

## **PROCEDURES:**

### **Zero Tolerance 115.311 (a)**

The JAF has a zero-tolerance policy on sexual abuse and harassment to promote a safe and healthy environment, free from sexual violence and misconduct for its residents. The JAF will ensure a system-wide prevention, detection, reporting, response, and the retention of records relating to incidents of sexual abuse/harassment of any resident by an resident, contractor, volunteer, staff, or visitor within the Scott County Juvenile Alternative Facility (JAF).

1. All staff, contractors, and volunteers must immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse/harassment or staff sexual misconduct that occurred in a facility or community services area; this includes medical and mental health practitioners, unless otherwise precluded by law.
2. If the JAF learns that a resident is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the resident. This includes housing assignment changes to implementing a safety plan.
3. The JAF will investigate all matters of sexual abuse/harassment/staff sexual misconduct either through internal investigation or external investigation (SCSO).
4. Residents, staff, contractors, visitors, volunteers, or any other individuals who have business with the JAF are subject to disciplinary action and/or criminal sanctions, including dismissal or termination of employment, termination of contracted services, if

determined to have engaged in sexual abuse/harassment/ or staff sexual misconduct against a resident. A violation of this policy may result in termination from the JAF.

This policy is not intended to govern incidents of sexual abuse/harassment by an resident against a staff, contractor, visitor, volunteer, or any other individual who has business with the JAF.

**PREA Coordinator -115.311 (b)**

The Facility Manager will appoint one of the two program supervisors to be responsible for the implementation and oversight of compliance of PREA standards. The PREA Coordinator will review facility policies and practices and make appropriate compliance recommendations to the Facility Manager.

The PREA Coordinator will ensure they set aside adequate time and resources do conduct and fill the role of PREA Coordinator **115.311 (b2)**.

The JAF has developed a policy outlining its approach to preventing, detecting, and responding to sexual abuse and sexual harassment. **115.311 (b1)**

**PREA Compliance Manager -115.311 (c)**

The JAF manager will serve as the PREA Compliance Manager (PCM) with the authority to coordinate the facility's efforts to comply with the PREA standards including determining internal and external investigative assignments. The PCM shall report to the Scott County Community Corrections Director or their designee informing them of allegations and subsequent findings.

All allegations prior to investigation will go to the PCM to determine merits, severity, and risk in determining appropriate internal and/or external investigation for the protection of JAF residents to ensure they are free of sexual abuse, sexual harassment or sexual misconduct.

The JAF has set definitions of prohibited behaviors regarding sexual abuse and sexual harassment listed throughout the JAF PREA policy – see 115.5 PREA Definitions. - **115.311 (c1)**

The PCM shall ensure they are setting adequate time aside to perform the functions and duties of the PCM **115.311 (c2)**

**Section 2 - Resident Management and Services – 115.313**

1. The JAF Facility Manager and Community Corrections Director or designee shall conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.
2. The unannounced rounds shall happen throughout all shifts and days of the week, including night, overnight, and day shifts.
  - a. An unannounced round is completed by stopping or entering the JAF on unassigned shifts.
  - b. A log shall be kept in the Program Supervisors office, documenting date, time and who completed said check, and what type of check.
  - c. Checks should be on varying shifts, and four different day & times a month.
3. The JAF staff will be prohibited from alerting others on shift when supervisors have stopped in unannounced on supervisory rounds, or alerting oncoming shifts that that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility **(115.313) (e)**.

### **Hiring and promotional decisions – 115.317**

1. The Scott County Juvenile Alternative Facility (JAF) shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents **(115.317)(b)**.
2. Before hiring new employees who may have contact with residents, the Scott County Juvenile Alternative Facility (JAF) shall:
  - a. Perform a criminal background records check; DHS background Study through Net Study-2.0, BCA background check, and Scott County ER background check.
  - b. Consult any child abuse registry maintained by the State or locality in which the applicant would work.
  - c. Consistent with Federal, State, and local law, make its best efforts 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 **(115.317)(c) (1-3)**.
3. The Scott County Juvenile Alternative Facility (JAF) shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents **(115.317)(d)**.
4. The Scott County Juvenile Alternative Facility (JAF) shall either conduct criminal backgrounds checks at least every two on current employees and contractors who may have contact with residents or have in place a system for otherwise capturing updated information for current employees **(115.317)(e)**.
5. The Scott County Juvenile Alternative Facility (JAF) shall also ask all applicants and employees who may have contact with residents directly about previous

misconduct described in paragraph (2a) of this section in written applications or interviews for hiring, promotions, interviews or written self-evaluations conducted as part of reviews of current employees. Staff has a continuing affirmative duty to disclose and such misconduct **(115.317)(f)**.

6. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or dismissal from the hiring process **(115.317)(g)**.
7. Unless prohibited by law, The Scott County Juvenile Alternative Facility (JAF) shall provide information on substantiated allegations of sexual abuse or sexual harassment involving former employee upon receiving a request from an institutional employer for whom such employee has applied to work **(115.317)(h)**.

### **Disciplinary Sanctions for Staff – 115.376**

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies **115.376 (a)**.
2. Termination shall be the presumptive sanction for staff who has engaged in sexual abuse **115.376 (b)**.
3. Disciplinary sanctions for violations of agency 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 **115.376 (c)**.
4. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies (28 CFR 115.76).

### **Employee Training – 115.331**

1. The JAF shall train all employees who may have contact with residents on: contractors and volunteers under 115.332, depending upon the practitioner's status at the JAF . **115.331 (a)(1-10)**
  - A. Its zero-tolerance policy for sexual abuse and sexual harassment;
  - B. How to fulfill their responsibilities under JAF sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - C. Residents' rights to be free from sexual abuse and sexual harassment;

- D. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - E. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
  - F. The common reactions of juvenile victims of sexual abuse and sexual harassment;
  - G. 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;
  - H. How to avoid inappropriate relationships with residents;
  - I. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
  - J. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
  - K. Relevant laws regarding the applicable age of consent.
2. The JAF shall train facility probation officers in how to conduct 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. **115.315 (f)**
  3. Such training shall be tailored to the unique needs and attributes of residents of juvenile facilities and to the gender of the residents at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa. **115.331 (b)**
  4. All employees shall be trained during their employee orientation of the PREA online trainings, ZERO Tolerance Policy, and additional PREA standards. The JAF shall provide each employee training quarterly, an annual Online PREA Training and JAF PREA audit annually. JAF staff will train on JAF PREA Policies to ensure all employees know the JAF's current sexual abuse and sexual harassment policies and procedures. **115.331 (c)**
  5. Staff will submit their training records of completion, annual training audit, and quarterly trainings through signature to the Training Officer as verification of completion and understanding of the trainings. The Training officer shall keep and store records of the completed trainings in the employee individual training file and in the PREA training file kept in the supervisor office. **115.331 (d)**

### **Volunteer and Contractor Training – 115.332**

1. The JAF shall ensure that all volunteers and contractors who have direct contact with residents have been trained on their responsibilities under the JAF's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. **115.332 (a)**



- i. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents. All persons, professionals or otherwise who has limited or no direct contact with a resident shall complete a JAF Zero-tolerance Notification and how to report sexual abuse and sexual harassment and informed how to report such incidents.
2. All volunteers and contractors who have direct contact with a resident without staff present shall complete a DHS background verification, PREA Online Training, PREA Orientation, and sign the JAF Zero-tolerance Notification and how to report sexual abuse and sexual harassment and informed how to report such incidents. **115.332 (b)**
3. The JAF training officer shall maintain documentation confirming the volunteers and contractors have completed and understand the required PREA training and JAF PREA Policies in the PREA training file located in the supervisor's office. **115.332 (c)**

### **Resident Education – 115.333**

1. All residents when entering the JAF shall participate in the Intake process. Residents shall receive information explaining in an age appropriate fashion the JAF's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment **115.333 (a)**.
2. During the intake process the resident shall receive a PREA JAF safety guide, read and sign resident safety form; and within 72 hrs. of intake the residents shall watch the JAF educational video which provides a comprehensive age-appropriate education to residents regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding JAF policies and procedures for responding to such incidents. **115.333 (b)**
3. All resident shall complete the PREA Video, PREA Safety form and receive a copy of the PREA safety guide and if in placement shall participate in a PREA re-orientation group the first Saturday of every month. The JAF does not manage or contract any other facility. **115.333 (c)**
4. The JAF shall provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills within reason and to the best of its ability. **115.333 (d)**
5. The JAF shall maintain documentation of resident participation in these education sessions in JAIMs. **115.333 (e)**
6. In addition to providing such education, the JAF shall ensure that key information is continuously and readily available or visible to residents through the resident handbook, PREA

posters throughout the institution, safety guide, or signage posted throughout the institution.

**115.333 (f)**

### **Specialized training: Investigations – 115.334**

1. In addition to the general training provided to all employees pursuant to 115.331, the JAF shall ensure that, to the extent the JAF itself conducts sexual abuse investigations; its investigators have received training in conducting such investigations in confinement settings. **115.334 (a)**

#### **PREA Internal Investigator Training:**

- a. PREA – Investigating Sexual Abuse in a Confinement setting
- b. PREA – Investigating Sexual Abuse in a Confinement Setting – Advanced Investigations.
- c.

#### **PREA External Investigator Training:**

- d. Finding the Truth: Investigation of Sexual Abuse of Inmates in Confinement Settings – American Jail Association.
2. Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidences required to substantiate a case for administrative action or prosecution referral. **115.334 (b)**
  3. The JAF training officer shall maintain certificates of completion that the JAF investigators have completed as part of the the required specialized training in conducting sexual abuse investigations. **115.334 (c)**

### **Specialized Training for Medical and Mental Health Care – 115.335**

1. The JAF shall ensure that all medical and mental health care practitioners who work regularly in its facilities have been trained in: **115.335 (a)(1-4)**
  - 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; and
  - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

2. If medical staff employed by the JAF conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations. **115.335 (b)**
3. The JAF shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the JAF or elsewhere. **115.335 (c)**
4. Medical and mental health care practitioners shall also receive the training mandated for employees under **115.331 or for 115.335 (d)**

### **Sexual victimization screening – 115.341, 115.381**

During the intake process, all residents will be screened for risk of sexual victimization using the following criteria:

- A resident’s mental, physical or developmental disability
- Age
- Physical build of the youth
- History of the youth
- Level of emotional and cognitive development
- Whether the youth has prior convictions for sexual offenses against children or adults
- Whether the youth is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
- Whether the resident has previously experienced sexual victimization.
- The resident’s perception of their vulnerability
- Prior acts of sexual abuse, prior convictions for violent offenses, and the history of prior institutional violence or sexual abuse as known by the facility.

### **Reporting Sexual Abuse and sexual harassment - 115.351, 115.362, 115.354**

1. Any employee, agency representative, volunteer or contractor who becomes aware of an allegation of an incident of sexual abuse, sexual harassment or retaliation against residents or staff will immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.61).
2. All staff will immediately report to a supervisor any staff neglect or violation of responsibilities that may have contributed to an incident.
3. Apart from reporting to designated supervisors or officials and designated state or local services agencies to the extent necessary to make treatment, investigation, and

- other security management decisions, staff are prohibited from revealing any information related to a sexual abuse report to anyone else .
4. The JAF will provide information to all visitors or third parties on how they may report any incident of sexual abuse and sexual harassment and the limits of their confidentiality at the initiation of services.
  5. Residents may report sexual abuse, sexual harassment, or retaliation incidents in writing, anonymously or from third parties to any staff member they choose. Staff will accommodate all resident requests to report allegations of sexual abuse or harassment. All verbal reports will be documented in an incident report and forwarded to a supervisor by the end of the shift.
  6. All staff, volunteers, contractors shall be trained in the JAF Zero tolerance policy and reporting expectations every 2 years.

#### **Reports by Health Care Professionals -115.335, 115.361, 115.362, 115.354**

1. Unless otherwise precluded by Federal, State, or local law, medical and mental health care professionals will be required to report immediately and according to JAF policy and procedure any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility.
2. It is the duty of Health Care Professionals to inform residents of their duty to report incidents of sexual abuse and sexual harassment and the limits of their confidentiality at the initiation of services.

#### **Reports by Residents – 115.351**

1. The JAF will not impose a time limit on when a resident may report sexual abuse.
2. The JAF will not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
3. Third parties, staff members, family members, attorneys and outside advocates, will be permitted to assist residents in filing requests for administrative remedies related to allegations of sexual abuse, and will also be permitted to file such requests on behalf of residents.
4. If a third party files such a request on behalf of a resident, the JAF may require as a condition of processing the requests that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
5. If the resident declines to have the request processed on his or her behalf, the JAF will document the residents' decision.
6. The JAF may discipline a resident for filing a report related to alleged sexual abuse only where the JAF demonstrates that the inmate filed the report in bad faith.
7. The JAF will ensure that:

- a. A resident who alleges sexual abuse may submit a report without submitting it to the staff member who is the subject of the complaint.
- b. A report of sexual abuse is not referred to a staff member who is the subject of the complaint.

### **Agency protection duties (115.362)**

1. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or Local agency where required by mandatory reporting laws **(115.361) (d)(1)**.
2. The JAF shall take immediate action to protect the resident through development of a safety plan that may or may not include changing a youths housing assignment, changing a youths program group, or removing a youth from its program **(115.362)**.

### **Reporting to other confinement facilities – 115.363**

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the JAF where the alleged abuse occurred and shall also notify the appropriate investigative JAF **(115.363) (a)**.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation **(115.363) (b)**.
3. The JAF shall document that it has provided such notification **(115.363) (c)**.

### **Accepting a Reports from Other facilities and agencies - 115.363**

If another correctional facility or agency reports an allegation that a resident was sexually abused while he or she was confined at the Scott County Juvenile Alternative Facility:

1. The allegation, if not taken by PCM or designee: a JAF PREA Incident Report shall be completed and forwarded to the PREA Compliance Manager. If the youth is still in custody, person taking the report will follow 1<sup>st</sup> responder protocols.
2. PCM or designee shall determine appropriate course of action of an internal/external investigation based upon criminal element & potential conflict of interests.
3. All Investigations shall follow accepted and standardized investigative practices with the findings being reported to the PCM or designee.

### **Agency protection against retaliation -115.367**

1. The JAF shall protect all residents and staffs that report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and shall designate which staff members or departments are charged with monitoring retaliation **(115.367) (a)**.
2. The JAF shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff ,or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations **(115.367) (b)**.
3. The JAF will monitor all substantiated and unsubstantiated allegations for at least 90 days following a report of sexual abuse. The agency shall monitor the conduct or treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items the JAF should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The JAF shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need **(115.36) (c)**.
4. In the case of residents, such monitoring shall also include periodic status checks **(115.367) (d)**.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the JAF shall take appropriate measures to protect that individual against retaliation **(115.367) (e)**.
6. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded **(115.367) (f)**.

#### **Disciplinary sanctions for Staff – 115.376**

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies (115.376) (a).
2. Termination will be the presumptive disciplinary sanction for staff members who engage in sexual abuse.
3. Disciplinary sanctions for violations of this policy (other than actually engaging in sexual abuse) will 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.

4. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies (28 CFR 115.76).

#### **Disciplinary sanctions for Residents -115.352, 115.362**

1. Residents will be subject to disciplinary sanctions following a formal disciplinary process and administrative finding that the resident engaged in resident on resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse.
2. Sanctions will be imposed according to the Resident Disciplinary policy. The nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories will be considered when imposing sanctions.
3. This disciplinary process will consider whether an resident mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. The Scott County Juvenile Alternative Facility will discipline a resident for sexual contact with a staff only upon finding that the staff member did not consent to such contact.
5. A report of sexual abuse made in good faith and based upon a reasonable belief that the alleged conduct occurred, will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
6. The Scott County Juvenile Alternative Facility prohibits all sexual activity between residents and will discipline residents for such activity. However, such activity will not constitute sexual abuse if an investigation determines that the activity was not coerced. However, investigation doesn't rule out other actions required by federal, state, and municipal laws.

#### **Sexual Abuse by a contractor or volunteer -115.377**

The Scott County Juvenile Alternative Facility shall ensure any contractor or volunteer who engages in sexual abuse is prohibited from contact with residents and reported to law enforcement agencies (unless the activity was clearly not criminal) and relevant licensing bodies, where applicable.

If a volunteer or contractor is found to have violated the Scott County Juvenile Alternative Facility sexual abuse or sexual harassment policy, the facility shall take the following remedial measures:

- i. The contractor/volunteer shall be escorted out of the facility by staff; reported to the contracted or volunteers organization.
- ii. The contractor/volunteer will not be allowed back on facility grounds and further contact with the JAF or its residents will be prohibited until cleared through an investigation.

### **Data Reviews - 115.387, 115.388, 115.389**

The JAF will conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and responses Policies, Practices and Training by:

- Identifying problem areas
- Identifying corrective actions taken
- Recommending corrective actions
- Comparing current annual data and corrective actions with those from prior years.
- Assessing the offices progress in addressing sexual abuse

The reports will be approved by the Facility Manager and made available through the office website. Material may be redacted from the reports when publication would present a clear and specific threat to safety and security of the facility. However, the nature of the redacted material will be indicated (28 CFR 115.388).

### **Records**

1. All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluations findings, and recommendations for post-release treatment or counseling, will be retained in accordance with privacy laws.
2. The Juvenile Alternative Facility will retain all written reports from administrative and criminal investigations pursuant to this policy, at a minimum, for as long as the alleged abuser is held or employed by the Community Corrections, plus five years (28 CFR 115.17)
3. All other data collected pursuant to this policy will be securely maintained for at least 1- year after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.389).