

<p align="center"><b>Pinal County Department of Juvenile Court Services</b></p>	<p align="center"><b>Policy and Procedure Number: 3.900</b></p>	<p align="center"><b>Page 1</b></p>
<p><b>Chapter:</b></p> <p align="center"><b>Youth Justice Center</b></p> <p align="center"><b>Prison Rape Elimination Act</b></p>	<p align="center"><b>Related PREA Standards:115.311-115.318</b></p> <hr/> <p align="center"><b>Subject: PREA Prevention Planning</b></p>	

**I. Authority:**

Presiding Juvenile Court Judge  
 Director of Juvenile Court Services  
 Division Director of Youth Justice Center

**Forms:**

N/A

**II. Purpose:**

The sexual abuse of juveniles who are placed in our care, custody or control; or who are confined within the Pinal County Youth Justice Center (PCYJC) violates these juveniles' basic human rights, impedes the likelihood of their successful reentry into the community, and violates our obligation to provide them with safe and humane conditions. A core priority of PCYJC, as we provide for the care, custody, and/or control of juveniles, must be safety: which means protecting the safety of all - the public, the staff, and the juvenile population. In recognition of the need for this kind of priority throughout the United States, Congress formed the National Prison Rape Elimination Commission (NPREC), to develop national standards that help eliminate prison rape and other forms of sexual abuse in confinement. The Prison Rape Elimination Act (PREA) of 2003 requires PCYJC to comply with the national standards. Fundamental to our success in this endeavor will be our commitment to a zero tolerance policy towards the sexual abuse of minors.

**III. Applicability:**

All employees and youth of the Pinal County Youth Justice Center (PCYJC).

**IV. Definitions:**

The following terms are consistent with those terms used by the NPREC in their PREA Standards. Understanding these terms will help us to maintain consistency with that agency for the purposes of reporting and data collection.

**Critical incident:** An occurrence or event, natural or human-caused, which requires an immediate response to protect life, facility safety, or property.

**Gender identity:** A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.

**Gender nonconforming:** A person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex.

**Intersex:** A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

**PREA Coordinator:** The PREA Coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the PREA standards. He or she is also responsible for ensuring the completion of assessment checklists.

**Preponderance of the evidence standard:** The standard of proof used in most civil cases that requires the party bearing the burden of proof to present evidence that is more credible and convincing than the evidence presented by the other party. This standard is satisfied if the evidence shows that it is more probable than not that an event occurred. Preponderance of the evidence is a lesser standard of proof than "beyond a reasonable doubt," which is required to convict in a criminal trial.

**Sexual abuse:** Encompasses (1) resident-on-resident sexual abuse, (2) resident-on-resident sexual harassment, (3) staff-on-resident sexual abuse, and (4) staff-on-resident sexual harassment.

**Resident-on-resident sexual abuse:** Encompasses all incidents of resident-on-resident sexually abusive contact and resident-on-resident sexually abusive penetration.

**Resident-on-resident sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by a resident of another resident without the latter's consent, or of a resident who is coerced into sexual contact by threats of violence, or of a resident who is unable to consent or refuse.

**Resident-on-resident sexually abusive penetration:** Any sexual penetration by a resident of another resident. The sexual acts included are:

- A. Contact between the penis and the vagina or the anus;
- B. Contact between the mouth and the penis, vagina, or anus; or
- C. Penetration of the anal or genital opening of another person by a hand, finger or other object.

**Resident-on-resident sexual harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or

offensive sexual nature by one resident directed toward another.

**Staff-on-resident sexual abuse:** Encompasses all occurrences of staff-on-resident sexually abusive contact, staff-on-resident sexually abusive penetration, staff-on-resident indecent exposure, and staff-on-resident voyeurism. Staff solicitations of residents to engage in sexual contact or penetration constitute attempted staff-on-resident sexual abuse.

**Staff-on-resident sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of a resident that is unrelated to official duties.

**Staff-on-resident sexually abusive penetration:** Penetration by a staff member of a resident. The sexual acts included are:

- A. Contact between the penis and the vagina or the anus;
- B. Contact between the mouth and the penis, vagina, or anus; or
- C. Penetration of the anal or genital opening of another person by a hand, finger or other object.

**Staff-on-resident indecent exposure:** The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of a resident.

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

**Staff-on-resident sexual harassment:** Repeated verbal comments or gestures of a sexual nature to a resident by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or profane or obscene language or gestures.

**Transgender:** A term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.

**Undue Familiarity:** A term describing inappropriate actions between staff and juveniles such as flirting, making suggestive sexual remarks, off colored jokes, etc.

**Victim advocate:** An individual, who may or may not be affiliated with the agency, who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information

and referrals, and advocacy to ensure that victims' interests are represented, their wishes respected, and their rights upheld.

## **V. Policy:**

The Pinal County Youth Justice Center maintains a zero-tolerance policy towards sexual abuse and harassment of minors. Sexual abuse of minors is unacceptable under any circumstances, and is as dangerous a threat to institutional security as an escape or homicide would be. This PREA policy applies to all employees, contractors and volunteers who work or do business at the PCYJC, who are charged with providing services to juveniles who are in our care, custody or control, and who may come into close contact with them.

## **VI. Procedures:**

### A. PREA Coordinator

1. The Detention Division Director at the Pinal County Youth Justice Center shall appoint a PREA Coordinator. In this capacity, he/she will:
  - a. Develop and maintain written PREA related policies that follow the State of Arizona's Juvenile Detention Standards and meet the intent of the PEA Standards;
  - b. Develop and implement a training plan that fulfills the PREA Training Standards;
  - c. Monitor juvenile screening procedures, investigations, and medical and mental health care/treatment according to the PREA Standards;
  - d. Supervise the data collection efforts to ensure compliance with PREA Standards;
  - e. Provide appropriate access and materials to auditors.

### B. Supervision and Monitoring

1. Detention Officers will provide the supervision necessary to ensure that the juveniles assigned to their care, custody or control, are protected from sexual abuse.
2. Detention Operations Supervisors (DO-IV) and Lead Officers (DO-II) will ensure that the PCYJC is properly staffed and monitored (i.e. that adequate staffing levels are maintained of 1:8 ratio during waking hours and 1:16 ratio during sleeping hours and that installed video surveillance equipment is functioning), so that the safety of the facility, and the safety of the juveniles

confined therein, are maintained.

3. When staffing ratios cannot be maintained, the DO-IV will be notified immediately and the reason for non-compliance and efforts to comply shall be notated on the daily briefing.
4. At all times, staff shall position themselves in a manner that supports adequate supervision of all assigned youth.
5. Annually, detention management will assess, determine, and document whether adjustments are needed to the staffing plan, staffing patterns, video monitoring system and other monitoring technologies, and the resources the facility has available to ensure adherence to the staffing plan.
6. Detention Division Director or designee shall regularly conduct and document unannounced rounds, during all shifts, to identify and deter staff sexual abuse and sexual harassment in all areas of the facility.
  - a. Detention Officers are prohibited from alerting other staff members that the supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the detention center.
  - b. The DO-IV shall routinely monitor all hidden or concealed locations within the facility.

#### C. Physical Searches

1. Cross-gender physical searches are prohibited.
2. Strip searches will only be conducted on juveniles, by a staff member of the same gender as the juvenile, except when performed by a medical practitioner.
3. Visual body cavity searches will only be conducted by medical personnel, when court ordered.
4. All strip searches must be documented on the Search Form and placed in the juvenile's file.
5. Pat searches will be only conducted on juveniles by officers of the same gender.
6. At no time shall staff search or physically examine a transgender or intersex juvenile for the sole purpose of determining the juvenile's genital status.
7. If the juvenile's genital status is unknown, it may be determined during conversations with the juvenile, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in

private by a medical practitioner.

8. Refer to policy 3.104 *Searches* for more information.

D. Showering, performing bodily functions, and changing clothes

1. All youth are permitted to shower, perform bodily functions, and change clothing without nonmedical staff viewing their genitals, buttocks, breasts (female), except in the case of emergency, by accident, or performing routine cell or room checks.
2. Staff of the opposite gender when entering housing units must announce their presence to alert youth.
3. All staff entering and exiting a unit must be documented in the unit log book.
4. Refer to policy 3.703 *Showering* for more information.

E. Staff training regarding physical searches

1. Staff will be provided annual training in how to properly conduct physical searches, to include cross gender pat-down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
2. New employees will receive this training during orientation.
3. Refer to policy 3.002 *Employee Training* for more information.

F. Juveniles with disabilities and/or limited English proficient.

1. Instructions will be given both verbally and/or in writing, during the intake process, to all juveniles detained in the Pinal County Youth Justice Center (PCYJC), informing them about the zero-tolerance policy regarding sexual abuse, and about how to report incidents or suspicions of sexual abuse, in an age-appropriate fashion.
2. A comprehensive orientation is provided to all juveniles during the intake process to include reviewing the Youth PREA Handbook verbally and in writing. The handbook is provided in English and Spanish.
3. Juveniles who are Limited English Proficient (LEP), deaf, blind, or disabled must receive these instructions in a manner which they can understand.
4. Juveniles with special needs are encouraged to report sexual abuse to staff directly, and an interpreter will be provided when needed.

5. Interpretation services may be provided by a bilingual officer or staff member who speaks the same language as the juvenile, but shall not be provided by another juvenile. The interpreter must be able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
6. Further accommodation, if needed, will be arranged for by the Pinal County Superior Court's Interpreter's Office.
7. Supervisors should also consider the same issues with regard to communicating with the juvenile's families, bearing in mind that the families' language abilities may be different from those of the juvenile.
8. Refer to policy 3.500 *Americans with Disabilities Act* for more information.

#### G. Hiring and promotion decisions

1. PCYJC hiring/promoting practices will be in compliance with National PREA Standards.
2. The agency shall not hire or promote anyone who may have contact with juveniles, and shall not enlist the services of any contractor who may have contact with juveniles who has engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution.
3. The agency shall not hire or promote anyone who may have 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 to refuse.
4. The agency shall not hire or promote anyone who has been civilly or administratively adjudicated to have engaged in the activity.
5. The agency 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 juveniles.
6. The agency will complete a thorough criminal background records check on all potential applicants before hire, to include consulting any child abuse registry maintained by the State of Arizona.
7. The agency will make its best efforts to contact all prior institutional employees for information on substantiated allegations of sexual abuse of resignation during pending investigation of an allegation of sexual abuse.

8. The agency 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 juveniles.
9. The agency will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with juveniles.
10. The agency shall ask all applicants and employees who may have contact with juveniles directly about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of review of current employees.
11. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
12. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
13. The agency shall 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, unless prohibited by law.
14. Refer to policy 3.014 *Hiring Qualifications for Detention Officers* for more information.

#### H. Upgrades to facilities and technologies

1. The PCYJC incorporates the use of video monitoring systems to aid in its sexual abuse prevention, detection, and response efforts.
2. PCYJC periodically conducts an assessment outlining the feasibility of and the need for, new or additional video monitoring technology though out the detention center and develops a plan for securing such technology when needed.
3. Digital surveillance files or tapes are retained for no less than 30 days.

#### I. Mandatory Reporting

1. Any incidents or behaviors that cause a reasonable concern of sexually aggressive behavior or demonstrates potential for sexual victimization shall be documented on an incident report form.
  - a. Immediate concerns shall be reviewed by shift supervisor/OIC for intervention.

- b. All concerns shall be further reviewed by PCYJC administration.
- 2. Any employee who is a witness to or has knowledge of any sexual activity, assault and/or rape shall report it to a supervisor or administration staff.
  - a. Any employee, contract service provider, or volunteer who knowingly fails to report sexual activity, assault and/or rape of a youth shall be subject to disciplinary actions and/or criminal prosecution.
  - b. Employees and youth are prohibited from retaliating against anyone reporting allegations of sexual activity/assault. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.

J. Youth should voluntarily report allegations

- 1. Youth who feel threatened, or who are victims of sexual harassment or assault should report the incident to any trusted staff member. Youth may also submit a confidential report in writing on a Health Needs Request form. The youth should place the completed form in the locked PREA request box.
  - a. The Detention Director or designee shall respond to all reports in a timely manner.