

<p align="center"><b>Pinal County Department of Juvenile Court Services</b></p>	<p align="center"><b>Policy and Procedure Number: 3.901</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><b>Related PREA Standards: 115.321-115.322; 115.371</b></p> <hr/> <p><b>Subject:</b> PREA Responsive Planning</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.

**Forensic Evaluation:** A medical evaluation conducted on a victim of sexual assault/abuse.

**SAFE/SANE:** Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) are medical professionals trained to perform medical examinations to victims of sexual abuse/assault.

**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.

**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:**

It is imperative that the department use recommended protocol when investigating a sexual abuse or sexual harassment report. The department must have a policy in place to ensure that all allegations of sexual abuse or harassment are investigated by an agency with legal authority to do so.

## **VI. Procedure:**

- A. Evidence protocol and forensic medical exams
  - 1. The Florence Police Department having jurisdiction over an alleged incident of sexual abuse will be contacted for this purpose immediately, whenever PCYJC receives information that a sexual assault has occurred, involving any juvenile in its care, custody or control.
  - 2. The Florence Police Department having jurisdiction shall be asked to follow the requirements of Prison Rape Elimination Act.

3. Detention and/or Correctional Health staff will coordinate transportation of the victim for medical care, as needed; and a forensic examination performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) will be available to the victim per the investigating agency's evidence gathering protocols, at no cost to the victim.
4. As requested by the victim, the agency shall make available to the victim a victim advocate from a rape crisis center. The advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
5. A memorandum of understanding between PCYJC and a victim advocacy center shall be kept on file.

B. Referrals of allegations for investigations

1. All allegations of sexual abuse or sexual harassment will be investigated. The Detention Division Director or designee will determine if it will be an administrative or criminal investigation.
2. If an allegation involves potentially criminal behavior, it will be immediately referred to the Florence Police Department.
  - a. Florence Police Department shall make determination whether a forensic examination is needed in addition to a forensic interview.
  - b. All juveniles must be interviewed by a certified forensic interviewer which will be arranged through Florence Police Department Investigators. At no time shall staff or medical personnel interview the victim or suspect concerning the allegations until forensic interviews are completed.
  - c. Efforts should be in place to preserve possible evidentiary items which may include bedding clothing etc. Preservation may also involve having victim abstain from wiping, defecating or bathing.
  - d. All evidence and related items will be turned over to and stored at Florence Police Department.

C. Immediate steps shall be taken to respond to a sexual assault.

1. Any employee that is a witness to or has knowledge of any sexual activity, assault and/or rape shall take immediate steps to *stop* the activity/assault, separate the participants (aggressor/victim), and report it to a supervisor or administration staff.

2. Any employee, contractor, or volunteer that receives a report of a sexual assault or the potential for sexual assault, whether verbally or in writing shall immediately notify the shift supervisor/OIC.
  - a. Victim shall be kept separate from the alleged aggressor. Victims of sexual assault will be treated in a sensitive and nonjudgmental manner.
  - b. The supervisor/OIC shall ensure the crime scene is secure.
3. The supervisor/OIC or designee shall immediately notify:
  - a. On-site Correctional Health medical staff.
  - b. Florence Police Department.
  - c. PREA Coordinator
  - d. Detention Division Director.
    1. The Detention Division Director shall notify the Director of Juvenile Court Services, who shall, in-turn, notify the Presiding Juvenile Court Judge.
4. Appropriate emergency care shall be provided.
  - a. **Life saving efforts always takes priority over evidence collection. Detention/Medical staff shall not wait for professional emergency responders before providing CPR or attempting to staunch severe blood loss, etc.**
  - b. To avoid unnecessary destruction of vital evidence, provide life saving emergency aid only. Staff shall direct the youth not to urinate, shower, wash, or disinfect affected areas.
  - c. Staff shall take care to collect, document and preserve items used during emergency aid that may also contain biological evidence (bodily fluids, hair, etc.).

#### D. Preservation of Evidence

1. Detention and/or medical staff shall advise the youth not to urinate, shower or otherwise clean themselves. If the assault was oral, youth will not be allowed to drink or brush their teeth, or otherwise take any action that could damage or destroy evidence.

2. To avoid compromising valuable evidence, Detention Officers shall secure the scene of the assault pending investigation by Florence Police Department.
3. Law enforcement officers shall collect and assume custody of evidence specimens collected at the PCYJC.

E. This policy will be available on the Department's website at [www.pinalcountyaz.gov](http://www.pinalcountyaz.gov).

F. Criminal and administrative agency investigations

1. For criminal investigations, the Florence Police Department will be called immediately. PCYJC will work closely and simultaneously with the Florence Police Department.
2. For internal investigations, the Detention Division Director at the Pinal County Youth Justice Center or designee will begin the investigation and determine the need for police involvement.
3. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
4. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims.
5. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical DNA evidence any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
6. The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.
7. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
8. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

9. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
10. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
11. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
12. The agency shall retain all written reports referenced I paragraphs (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by juvenile resident and applicable law requires a shorter period of retention.
13. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
14. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
15. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.