

<p align="center">Pinal County Department of Juvenile Court Services</p>	<p align="center">Policy and Procedure Number: 3.904</p>	<p align="center">Page 1</p>
<p>Chapter:</p> <p align="center">Youth Justice Center</p> <p align="center">Prison Rape Elimination Act</p>	<p>Related PREA Standards: 115.351; 115.352; 115.361; 115.364; 115.365; 115.367; 115.386</p> <hr/> <p>Subject: PREA Reporting, Responding, and Data Collection</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:

Grievance: A complaint submitted by a youth alleging injustice or violation of protected rights

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

Sexual Assault Response Team (SART): A multidisciplinary interagency team of individuals working collaboratively to provide services for the community by offering specialized sexual assault intervention services.

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 person directed toward another.

Staff First Responders: The first staff member to respond to the report of allegations made of sexual abuse or sexual harassment.

V. Policy:

It is the policy of the department to establish mechanisms for youth and staff to report sexual abuse and sexual harassment allegations in safe and efficient manner.

VI. Procedure:

A. Youth Reporting.

1. The agency shall provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The agency shall also provide at least one way for youth to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to agency officials, allowing the youth to remain anonymous upon request. Youth detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
 - a. Information will be available in each housing unit and intake.
 - b. Information can be found in the youth PREA handbook.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. Locked PREA drop boxes will be available throughout the facility.
 - a. Staff shall document on a confidential Incident Report.
4. The facility shall provide youth with access to tools necessary to make a written report.

5. The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of youth.
 - a. Staff can arrange a private meeting with the Detention Division Director at the PCYJC or utilize the employee suggestion box.
6. This information will be reviewed with youth at time of intake.

B. Exhaustion of administrative remedies.

1. The agency shall not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse.
2. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. The agency shall not require a youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired.
5. The agency shall ensure that:
 - a. A youth who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint.
 - c. Locked PREA drop boxes are located throughout the facility/
6. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
 - a. Computation of the 90-day time period shall not include time consumed by youth in preparing any administrative appeal.
 - b. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the youth in writing of any such extension and provide a date by which a decision will be made.

7. At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.
8. The agency may discipline a youth for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the youth filed the grievance in bad faith.
9. Refer to Policy 3.504 Youth Grievances policy for more information.

C. Staff Reporting.

1. The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against youth or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. The agency shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
3. Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions. Staff shall keep confidential any information related to the sexual abuse incident.
4. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials as well as to the designated State or local services agency where required by mandatory reporting laws.
 - a. Such practitioners shall be required to inform youth at the initiation of services of their duty to report and the limitations of confidentiality.
5. Upon receiving any allegation of sexual abuse, the Detention Division Director at the Pinal County Youth Justice Center or designee shall promptly report the allegation to the Florence Police Department and to the alleged victim/s parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.
6. If the alleged victim is under the guardianship of Child Protective Services, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

7. If a juvenile court retains jurisdiction over the alleged victim, the Detention Division Director at the Pinal County Youth Justice Center or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.
8. The Detention Division Director at the Pinal County Youth Justice Center or designee shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the Florence Police Department's designated investigators.

D. Staff first responder duties.

1. Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report shall be required to:
 - a. Separate the alleged victim and abuser;
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Do not clean up the scene or the victim until directed by the local law enforcement agency or the Detention Division Director at the PCYJC;
 - c. Notify the Detention Division Director at the PCYJC or designee immediately;
 - d. If the abuse occurred within a time period that still allows for the collection of physical evidence (normally 72 hours or as determined by the local law enforcement agency), request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
 - e. If the abuse occurred within a time period that still allows for the collection of physical evidence (within 72 hours), ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriated, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - f. Youth who are alleged victims of sexual abuse will be treated in a sensitive and nonjudgmental manner;
2. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff immediately.

E. Coordinated Response Plan

1. All reports shall be thoroughly investigated by the PCYJC Division Director or designee.
2. When the alleged predator is an employee, care shall be taken to remove the employee from supervision of all youth pending the outcome of the investigation.
 - a. The Director of Juvenile Court Services and the Presiding Juvenile Court Judge shall be advised of the allegations, the pending investigation and the projected time-line for resolution.
 - b. Re-assignment of duties and/or assignment to administrative leave shall be at the discretion of the Detention Division Director or designee.
 - c. The employee shall be notified of the investigation.
 - d. A thorough investigation shall be completed in a timely manner.
 - e. The employee shall be notified of the outcome of the investigation.
 - f. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Division Director of the Youth Justice Center shall report the discovery to the County Attorney's Office and/or law enforcement for investigation.
3. When the alleged predator and the victim are both youth, care shall be taken to keep them separate, pending the outcome of the investigation.
 - a. The Division Director of the Youth Justice Center, or designee, may coordinate the re-location of one and/or both of the participants if it is determined that such action would improve the safety of the youth or the integrity of the pending investigation.
 - b. A thorough investigation shall be completed in a timely manner.
 - c. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Division Director of the Youth Justice Center shall report the discovery to the County Attorney's Office and/or law enforcement for investigation.
4. PCYJC administration and staff shall cooperate with local law enforcement in all formal inquiries and investigations.
 - a. Detention staff shall not release documentation without explicit authorization. All requests for copies of departmental documentation or reports must be submitted to the office of the Detention Division Director.
 1. Discipline and/or additional criminal charges for the alleged aggressor may occur pending the results of the internal and external investigations.
 2. Employees and youth are prohibited from retaliating against, intimidating or otherwise interfering with anyone involved in

the investigation. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.

5. The Detention Division Director and/or official investigators shall ensure all PREA allegations are reported to Child Protective Services (CPS) 1-888-767-2445.
6. The Detention Division Director and/or official investigators shall ensure all PREA allegations are reported to the parent(s)/guardian(s) of all youth involved in the incident. Parent(s)/Guardian(s) do not require notification if parental rights have been terminated or the youth is a ward of CPS.
7. Immediate steps shall be taken to respond to a sexual assault.
8. 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.
9. 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.
10. The supervisor/OIC or designee shall notify:
 - a. On-site Correctional Health medical staff.
 - b. Florence Police Department.
 - c. 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.
11. 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.).
12. 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.
 13. To avoid compromising valuable evidence, Detention Officers shall secure the scene of the assault pending investigation by Florence Police Department.
 14. Law enforcement officers shall collect and assume custody of evidence specimens collected at the PCYJC.
 15. Youth shall be transported to the medical facility certified in the treatment of rape victims and the collection of evidence requested by the investigating law enforcement agency.
 16. Law enforcement officers shall assume custody of evidence specimens collected at the emergency room.

F. Agency protection against retaliation.

1. The agency shall establish a policy to protect all youth and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other youth or staff and the Detention Division Director at the Pinal County Youth Justice Center or designee is charged with monitoring retaliation.
2. The agency shall employ multiple protection measures, such as housing changes or transfers from youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of youth or staff who reported the sexual abuse and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation.

- a. Items the agency should monitor include any youth disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
 - b. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
4. In the case of youth, such monitoring shall also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
6. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

G. Data Collection and Review

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
4. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

- f. Prepare a report of its findings, and any recommendations for improvement and submit such report to the Division Director at the Youth Justice Center or designee.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.
6. All case records associated with claims of sexual abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with the state record retention schedule.