

Madison County Juvenile Detention Center

Administrative Policies and Procedures: 18.8

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Subject:	Zero-Tolerance Standards and Guidelines for Sexual Abuse, Sexual Harassment, Assault or Rape Incidents and Prison Rape Elimination Act (PREA)		
Approval:	Amy Jones, Director, Madison County Juvenile Court Services	Approved Date: 4/29/2014 Approved Date: 6/19/2020	
Authority:	TCA 37-1-601 et. Seq.; 37-1-403; 37-5-105 (3), 37-5-106, 37-1-615, 39-13-501, 39-13-506, 39-13-522, 39-13-527; 39-15-210; Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79)		
Standards:	ACA: 4-JCF-3D-02, 4-JCF-3D-03, 4-JCF-3D-04, 4-JCF-3D-05, COA: PA-JJR 1.02, PA-JJR 15.02-15.03, PA-JJR 14.01; Juvenile Facility PREA Standards.		
Policy Statement:			
<p>Madison County Juvenile Detention Center a division of Madison County Juvenile Court Services, shall be committed to a zero-tolerance standard for all forms of sexual abuse/assault/misconduct/harassment or rape within its facility and shall be committed to reducing the risk of sexual abuse, sexual harassment, assault, misconduct and rape through implementation of the Prison Rape Elimination Act (PREA) as outlined in Public Law 108-79, Section 3. Standard 115.311</p>			
Purpose:			
<p>The purpose of this policy is to provide guidelines for MCJDC zero-tolerance for all forms of sexual abuse and sexual harassment. The purpose of the implementation of the <i>Prison Rape Elimination Act (PREA)</i> is to provide a safe, humane, and appropriately secure environment free from threat of sexual abuse/assault/misconduct/ harassment or rape, all of which are prohibited and subject to administrative criminal disciplinary sanctions (TCA 37-1-604). All employees, volunteers or expected to have a clear understanding that the department strictly prohibits any type of sexual relationship with an individual under department supervision to be a serious breach of the standards of the employee conduct and these relationships will not be tolerated. Engaging in personal and/or sexual relationship may result in employment termination.</p> <p>Youth/child who is in the custody of the MCJDC, will have a clear understanding that sexual activity between another youth or staff is prohibited and is subject to criminal disciplinary action. Youth will understand that MCJDC strictly prohibits any type of sexual relationship with another youth or staff and these relationships will not be tolerated.</p>			
<p>The purpose of this policy is to provide guidelines for MCJDC zero-tolerance for all forms of sexual abuse</p>			

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and sexual harassment, and the implementation of the *Prison Rape Elimination Act (PREA)* to provide a safe, humane, and appropriately secure environment free from threat of sexual abuse/assault/misconduct/harassment or rape is provided for all children/youth that are residents in the facility.

Procedures:

A. PREA Coordinator	MCJDC will designate a PREA Coordinator with sufficient time and authority to develop, implement and oversee efforts to comply with the PREA standards in the facility. Standard 115.313
B. Assessment process for children/youth placed in MCJDC	<ol style="list-style-type: none"> 1. During the intake process, DCS form <u>CS-0946 Assessment, Checklist and Protocol for Behavior and Risk for Victimization</u> will be administered to all children/youth within seventy-two (72) hours of admission the facility. 2. The “<i>At-Risk Protocol</i>” section of form CS-0946 will be initiated and completed on children/youth that are identified as vulnerable for at-risk sexual victimization or identified as having the potential to victimize/perpetrate, especially in regards to sexual aggressive behavior. 3. Designated staff will develop appropriate treatment interventions that include further assessments or screenings by a mental health professional for identified children/youth prior to assigning the child/youth to a program, education, work, housing unit, or bed to decrease the risk of sexual victimization/perpetration. 4. If further screening or assessments indicates that a child/youth has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, designated staff will ensure that the child/youth is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening. 5. If the victimization occurred while the child/youth was confined at another facility/agency, MCJDC will promptly, but no later than 72 hours, notify the head of the facility/agency where the alleged abuse occurred and will report the abuse incident directly to DCS Child Abuse Hotline at 1-877 237-0004. 6. If the screening indicates that a child/youth has previously perpetrated sexual abuse/assault/misconduct/harassment, whether it occurred in an institutional setting or in the community, designated staff will ensure that the child/youth is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening.
C. Children/youth education	<ol style="list-style-type: none"> 1. During the intake process, children/youth will receive information explaining, in an age appropriate fashion, the YDC/Agency’s zero tolerance policy regarding sexual abuse/assault/misconduct/harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

	<p>2. Written and verbal information on PREA will be provided and explained to children/youth within forty-eight (48) hours of arrival at a YDC/Agency and will include, but not limited to:</p> <ul style="list-style-type: none">a) MCJDC's zero-tolerance policy regarding PREAb) Prevention/Interventionc) Self-protection and how to avoid risk situationsd) Consequences for engaging in any type of sexual activity while at the facilitye) How to safely report sexual abuse such as:<ul style="list-style-type: none">◆ Reporting the abuse incident directly to DCS Child Abuse Hotline at 1-877 237-0004◆ Reporting the abuse incident to facility/agency personnel (e.g., Director, Detention Supervisor, WRAP, line staff, therapist, teacher, nurse, intake counselor or physician) MCJDC will not require the child/youth to use any informal grievance process in an attempt to resolve with staff an alleged incident of sexual abuse.◆ Reporting the abuse incident to their Attorney or Guardian ad Litem.f) How to obtain medical and mental health treatment and counseling to include, but is not limited to:<ul style="list-style-type: none">◆ Female victim residents, as applicable, will be offered pregnancy tests;◆ If pregnancy results are positive, such victims will receive timely and comprehensive information about timely access to all lawful pregnancy-related medical services;◆ Residents will be offered tests for sexually transmitted infections as medically appropriate; and◆ Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. <p>3. PREA information will be covered during intake into the MCJDC .</p> <p>4. Appropriate provisions will be made as necessary for children/youth who are limited English proficient, have disabilities (including those who are deaf or hard of hearing, those who are blind or have low vision), and those with low intellectual, psychiatric, or speech disabilities. If a resident has low intellectual abilities and cannot interpret the PREA standards or documents, a MCJDC staff member will interpret the documents for him/her. MCJDC will not rely on resident interpreters except in urgent circumstances where safety may be compromised.</p> <p>5. All MCJDC children/youth are required to sign DCS/MCJDC form <u>CS-0939, Youth Acknowledgement and Notification of Prison Rape Elimination Act (PREA)</u> to acknowledge they have been notified and informed of PREA and on how to report incidents of sexual abuse/assault/misconduct/harassment.</p> <ul style="list-style-type: none">a) Copies of the signed form will be sent to the child/youth's parent(s) or
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	<p>guardians, family service worker, and</p> <p>b) The original signed form will be maintained in the child/youth’s case file in QUEST.</p> <p>6. If youth in DCS custody in the MCJDC request to consult with an attorney, access to an attorney will be in accordance with DCS policy Access to Legal Counsel for Youth in YDC’s. The Guardian or Guardian at Litem will be contacted for children/youth who are not in DCS custody.</p> <p>7. MCJDC will maintain documentation on file of child/youth participation in PREA education sessions in QUEST.</p> <p>8. MCJDC staff will document PREA activities and efforts for educating and informing children/youth in QUEST.</p> <p>9. MCJDC will educate the child/youth every ten days on PREA</p> <p>10. MCJDC will conduct a PREA Risk Assessment 10 days every ten days the youth is in the facility.</p>
<p>D. Reporting allegations</p>	<p>1. <u>Duty to Report – Tennessee Code Annotated 37-1-403 and 37-1-605</u> Pursuant to <i>TCA 37-1-403</i> and <i>37-1-605</i>, Standard 115.361 any person who has knowledge of or is called upon to render aid to any child/youth who is being sexually abused, sexually assaulted or sexually harassed has the duty to report such abuse.</p> <p>2. <u>All allegations of sexual abuse must be reported to the DCS Child Abuse Hotline 1-877-237-0004.</u></p> <p>3. Failure to comply with “duty to report” requirements will result in disciplinary action up to and including termination and/or criminal charges. Refer to Madison County policy Employee Disciplinary Actions and Mediation Process.</p> <p>4. All MCJDC staff will report immediately and according to policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the facility; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Refer to Madison County Handbook for guidelines and procedures on workplace harassment or retaliation.</p> <p>5. <u>Retaliation or negative consequences</u> for reporting sexual abuse/harassment or cooperating with sexual abuse/harassment investigations will not be tolerated and may result in disciplinary action up to and including termination. Standard 115.367</p> <p>a) For a period of ninety (90) days following a report, MCJDC will monitor the treatment of child/youth or staff that made a report and the child/youth who were reported to be abused to identify attempts at retaliation or negative consequences and will act immediately to remedy any such actions. Monitoring should include, but not limited to:</p> <ul style="list-style-type: none"> ◆ Resident disciplinary reports, housing, or program changes

	<ul style="list-style-type: none">◆ Negative performance reviews or staff reassignments◆ Periodic status checks of residentsb) The MCJDC will continue monitoring beyond ninety (90) days if evidence indicates a continued need.c) If any individual involved in a report expresses fear of retaliation, the MCJDC will take appropriate measures to protect the individual that includes segregated housing, as applicable, if voluntarily requested by the individual.d) Madison County Juvenile Court responsibility to monitor will terminate if the allegation is unfounded. <p>6. Children/youth may report allegations of sexual abuse/assault/misconduct/harassment to local law enforcement (Jackson Police Department/Madison County Sheriff's Department) and may remain anonymous upon request.</p> <p>7. Allegation may be reported to WRAP WO/Men's Resource Assistance Program who will act as an outside agency in reporting sexual abuse in accordance to Policy 18.8 standard 115.353</p> <p>8. In the event WRAP is not immediately available as an outside agency MCJDC will immediately contact the Mobil Crisis unit to assist.</p> <p>9. MCJDC will follow local procedures for specific persons to be notified for abuse/sexual abuse reporting.</p> <p>10. MCJDC will ensure that the name of the person or persons reporting the allegation is kept confidential.</p> <p>11. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a resident or staff member.</p> <p>12. Pursuant <i>TCA 37-1-413</i>, any person who either verbally or by written/printed communication reports false accusations of sexual abuse commits a Class E felony. Refer to DCS Policy 14.15 Reporting False Allegations of Child Sexual Abuse for additional information on falsely reporting child sexual abuse. A report made in good faith upon reasonable belief of the alleged incident will not constitute a false report and may not be used as grounds for disciplinary action.</p> <p>13. After an incident is reported to Child Abuse Hotline:</p> <ul style="list-style-type: none">a) Special Investigations designated staff IMMEDIATELY notifies:<ul style="list-style-type: none">◆ Detention Supervisor◆ Director of Juvenile Court Services◆ DCS (If child is in their custody)◆ Contract county official that placed child◆ Local Sheriff's Department◆ Youth's Family Service Worker
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	<p>b) Family Service Worker IMMEDIATELY notifies:</p> <ul style="list-style-type: none"> ◆ Parents/Guardians
<p>E. Response to allegations of sexual abuse</p>	<ol style="list-style-type: none"> 1. In response to an allegation of sexual abuse, the MCJDC will develop a written plan to coordinate actions taken among staff first responders, medical and mental health practitioners, investigators, and MCJDC leadership. 2. Upon receiving notice of an incident of sexual abuse by a child/youth, or if an employee witnesses or unexpectedly encounters an assault taking place, the employee will ensure the child/youth is safe and kept separated from the perpetrator, immediately notify their Supervisor, and: <ol style="list-style-type: none"> a) Ensure child/youth does not change clothes, shower, wash, brush teeth, rinse mouth, eat, drink, or use the toilet until after all physical evidence is obtained in connection with the violation; and b) Secure the incident area and treat it as a crime scene. 3. Refer to <i>Protocol-First Responder Guidelines for Sexual Assault</i> for guidelines on responding to sexual assaults. 4. For those sexual abuse incidents alleged to have occurred within seventy-two (72) hours, the MCJDC/ County nurse /designee will advise to take the child/youth to the local hospital emergency room for examination, collection and preservation of evidence, and treatment. 5. If the child/youth refuses medical treatment, document on form CS-0991 PREA Refusal of Medical Treatment that medical treatment was offered to the child/youth and if the offer for medical treatment was: <ol style="list-style-type: none"> a) Refused by the child/youth, or b) Accepted by the child/youth but refused to be examined after arriving at a medical facility. 4. If the alleged sexual abuse incident occurred beyond seventy-two (72) hours, the county or DCS nurse personnel or appropriate will seek the advice of a hospital regarding a forensic exam. 5. Children/Youth who are the victim of sexual abuse will be provided prompt and appropriate medical treatment and counseling, to include but not limited to: <ol style="list-style-type: none"> a) MCJDC staff, as applicable, provides emotional support to child/youth with the forensic medical exam process and investigation interviews. b) The development of a safety action plan that includes a review/adjustment, if necessary, isolation bed, program, education to keep child/youth safe and free from sexual abuse. c) An assessment by a mental health professional. d) Mental health counseling as needed. e) Follow-up services and referrals, as applicable, for continued care following transfer to, or placement in other facilities, or release from custody. 6. No child/youth victim will be denied access to treatment resources and/or

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	<p>services for failing to fully disclose details to internal investigators, outside law enforcement investigators, and/or medical/mental health staff.</p>
<p>F. Investigations</p>	<p>1. MCJDC will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse/assault/misconduct/harassment.</p> <p>2. A report of child abuse by the alleged perpetrator may be classified as “indicated” if there is preponderance of evidence, in light of the entire record, which indicates the individual committed physical, severe or child sexual abuse, as defined <i>TCA §§ 37-1-102 or 37-1-602</i>. Standard 115.322</p>
<p>G. Documentation</p>	<p>All incidents of sexual abuse/assault/misconduct/harassment and rape must be documented in Quest and reported to DCS.</p>
<p>H. Sexual abuse incident review</p>	<p>1. MCJDC will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation involving a PREA-related incident, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Standard 115.386</p> <p>a) The review will occur within thirty (30) days of the conclusion of the investigation.</p> <p>b) The review team will consist of <u>management level staff/designees</u>, as applicable, with input from line supervisors, investigators, and medical and/or mental health practitioners.</p> <p>2. The review team will:</p> <p>a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;</p> <p>b) Consider whether the incident or allegation was motivated by:</p> <ul style="list-style-type: none"> ◆ Race ◆ Ethnicity ◆ Gender identity ◆ Lesbian, gay, bisexual, transgender (LGBT) or intersex identification, status, or perceived status, or ◆ Gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility <p>c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;</p> <p>d) Assess the adequacy of staffing levels in that area during different shifts;</p> <p>e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and</p> <p>f) Prepare a report of its findings including, but not limited to determinations made pursuant to paragraphs 2. b) of this <i>Section</i>, and any recommendations for improvement and submit the report to the DCJCS</p>

	<p>Director, PREA Coordinator, DCS Licensing as <u>applicable</u>.</p> <p>g) The MCJDC will implement the recommendations for improvement, or will document reasons for not doing so, e.g., inadequate funding or staffing issues.</p>
<p>I. Training</p>	<ol style="list-style-type: none"> 1. Appropriately trained employees will help deter sexual assaults during the performance of their duties by: (Standard 115.331) <ol style="list-style-type: none"> a) Knowing and enforcing rules and procedures regarding sexual conduct of youth and staff; b) Maintaining professionalism at all times; and c) Treating any allegation of sexual assault seriously and following appropriate reporting procedures. 2. MCJDC Employees will be trained on: <ol style="list-style-type: none"> a) The zero-tolerance policy for sexual abuse and sexual harassment; b) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; c) Residents’ right 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) The common reactions of juvenile victims of sexual abuse and sexual harassment; h) 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; i) How to avoid inappropriate relationships with residents; j) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; k) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and l) Relevant laws regarding the applicable age of consent. 3. Training will be tailored to the unique needs and attributes of residents of the facility and to the gender of the residents. Employees will 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. 4. All MCJDC staff and persons listed below will receive <u>training in compliance</u>

	<p><u>with PREA Standards:</u></p> <ul style="list-style-type: none"> a) All MCJDC employees will receive training during orientation or in-service and through annual refresher training thereafter. b) All MCJDC employees and volunteers that have direct contact with children/youth will receive training during orientation and annual refresher training thereafter. <ul style="list-style-type: none"> ◆ Medical and mental health care practitioners will also receive the training mandated for employees under <u>PREA Standards § 115.331</u> and volunteers under <u>PREA Standards § 115.332</u>. <p>3. Employees who conduct investigations of allegations of sexual abuse/harassment on children/youth in the facility will receive training <u>in compliance with PREA Standards</u></p> <p>4. All MCJDC employees, volunteers and contractors are required to sign form <u>CS-0940, Employee Acknowledgement and Notification of Prison Rape Elimination Act (PREA)</u> to acknowledge they have read the MCJDC zero-tolerance policy and understand the training they have received.</p> <p>5. MCJDC will maintain documentation on all employees, volunteers and contractors who receive training on PREA.</p>
<p>J. Supervision and monitoring</p>	<ul style="list-style-type: none"> 1. The MCJDC will develop, implement, and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities/agencies will take into consideration: <ul style="list-style-type: none"> a) Generally accepted juvenile detention and correctional/secure residential practices b) Any judicial findings of inadequacy c) Any findings of inadequacy from Federal investigative agencies d) Any findings of inadequacy from internal or external oversight bodies e) All components of the facility’s physical plant (including “blind spots” or areas where staff or residents may be isolated) f) The composition of the resident population g) The number and placement of supervisory staff h) Institution programs occurring on a particular shift i) Any applicable State or local laws, regulations, or standards j) The prevalence of substantiated and unsubstantiated incidents of sexual abuse, and k) Any other relevant factors 2. The MCJDC will maintain the following minimum staffing plan and may increase the number of staff on duty beyond the minimum level at any time at

	<p>the discretion of the Detention Manager and/or Juvenile Court Services Director.</p> <ul style="list-style-type: none">a) At least one male and one female will be on duty 24 hours a day.b) A ratio of no less than three staff for every seven residents will be maintained during residents' waking hours.c) During sleeping hours, at least one male staff and one female staff will be present at all times.d) Male staff will monitor male residents at all times.e) Female staff will monitor female residents at all times.f) Youth will be visually checked every 15 minutes when a youth is in his/her room.g) All cameras will be monitored and adjusted for blind spots.h) Youth will be visually monitored and monitored by video camera during class and gym time.i) One youth will shower at a time.j) Youth will not be allowed to enter another youth's room <p>2. MCJDC will comply with the staffing plan except during limited and discrete exigent circumstances, and will fully document deviations from the plan during such circumstances.</p> <p>3. MCJDC will have unannounced visits by the level supervisors. The supervisor will make unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These rounds will be conducted on all shifts at least once a month. Staff is prohibited from alerting other staff as to when these rounds will be conducted. Any staff that alerts another staff could face serious disciplinary action.</p> <p>4. Whenever necessary, but no less frequently than once each year, consultation with the PREA Coordinator by DCS will assess, determine, and document whether adjustments are needed to:</p> <ul style="list-style-type: none">a) The staffing plan;b) Prevailing staffing patterns;c) The MCJDC deployment or updating of video monitoring systems and other monitoring technologies the MCJDC will consider how such technology may enhance the facility's ability to protect residents from sexual abuse; andd) The resources the facility has available to commit to ensure adherence to the staffing plan. <p>5. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the facility will consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect residents from sexual abuse.</p>
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	<p><u>Cross-gender viewing and searching</u></p> <p>MCJDC will document and report any cross-gender resident that comes into the facility. If a cross-gender child enters the facility and proclaims to be a male or female, the appropriate staff will search and book that child in. Males will search males that possess male body parts. Females will search females that possess female body parts. If a cross-gender residents is detained in the facility and wishes to be isolated staff will accommodate that child’s wishes. If a child poses a threat to other residents, staff will make provisions to ensure the safety of the residents. Documentation will be placed in the child’s file and in the log book. The supervisor or director will be notified if necessary to determine who should process the child or if any incidents occur. Searches or physical exams will never be done for the sole purpose of determining a resident’s genital status.</p>
<p>K. Data</p>	<p>1. Data Collection</p> <p>MCJDC will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions as instructed by the PREA Coordinator. Standard 115.388</p> <ol style="list-style-type: none"> a) MCJDC will aggregate the incident-based sexual abuse data at least annually. b) The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the <u>Survey of Sexual Violence conducted by the Department of Justice</u>. c) The MCJDC will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. d) Upon request, MCJDC will provide all such data from the previous calendar year to the Department of Justice . <p>2. Data Review for Corrective Action</p> <ol style="list-style-type: none"> a) MCJDC will review data collected and aggregated pursuant to <u>PREA Standards § 115.387</u> in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including: <ul style="list-style-type: none"> ◆ Identifying problem areas; ◆ Taking corrective action on an ongoing basis; and ◆ Preparing an annual report of its findings and corrective actions b) The report will include a comparison of the current year’s data and corrective actions with those from prior years and will provide an assessment of the facility’s progress in addressing sexual abuse. <p>MCJDC report will be approved by the DCS Commissioner/designee agency Director and made readily available to the public through its website or through other means, as applicable.</p>

	<p>c) MCJDC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.</p> <p>5. Data Storage, Publication, and Destruction</p> <p>a) MCJDC will ensure that data collected pursuant to <u><i>PREA Standards § 115.387</i></u> are securely retained.</p> <p>b) MCJDC will make all aggregated sexual abuse data from the facility under its direct control readily available to the public at least annually through its website or through other means, as applicable.</p> <p>c) Before making aggregated sexual abuse data publicly available, MCJDC will remove all personal identifiers.</p> <p>d) MCJDC will maintain sexual abuse data collected pursuant to <u><i>PREA Standards § 115.387</i></u> for at least ten (10) years after the date of its initial collection unless Federal, State, or local law requires otherwise.</p>
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Forms:	<p><u><i>CS-0939, Youth Acknowledgement and Notification of Prison Rape Elimination Act (PREA)</i></u></p> <p><u><i>CS-0940, Employee/Volunteer/Contractor Acknowledgement and Notification of Prison Rape Elimination Act (PREA)</i></u></p> <p><u><i>CS-0946, Assessment, Checklist and Protocol for Behavior and Risk for Victimization</i></u></p> <p><u><i>CS-0991 PREA Refusal of Medical Treatment</i></u></p>
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Glossary:	
Term	Definition
Abusive sexual contacts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.
Congregate care:	Congregate care is designed to meet the needs of children/youth who are unable to live at home or in a Resource Family and require temporary care in a group or residential setting. Congregate care provides structure, counseling/therapy, behavioral intervention and other services identified in a child’s permanency plan for children with moderate to severe clinical needs.

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Glossary:	
Term	Definition
Contractors:	Any person or corporation, other than an employee, providing any service to the YDC (<i>i.e.</i> , food services, medical, dental and mental health services, <i>etc.</i>) for an agreed upon form of compensation. Contractors may include other local government agencies that contract with the YDC or who supervise adult inmate work crews.
Hostile work environment:	Harassment, speech or conduct that is, based on the judgment of a reasonable person, severe or pervasive enough to create a hostile or abusive work environment, based on race, religion, sex, national origin, age, disability, veteran status, or, in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance.
Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ):	A person who identifies as Lesbian, gay, bisexual, transgender or questioning.
Non-consensual sex acts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
PREA Coordinator:	The PREA Coordinator is the staff person designated with the responsibilities of developing, implementing, and overseeing compliance with PREA standards.

Glossary:	
<i>Term</i>	<i>Definition</i>
Prison Rape Elimination Act (PREA) 2003:	<p>PREA is the first United States federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003. PREA covers all adult, as well as juvenile detention facilities; the definition of prison for the purposes of the act includes "any juvenile facility used for the custody or care of juvenile inmates." U.S. Congress, within the text of PREA, noted that young, first-time offenders are at an increased risk of sexually motivated crimes. Juveniles held in adult facilities are five times more likely to be sexually assaulted than juveniles held in juvenile facilities.</p> <p>PREA directed the attorney general to promulgate standards for all confinement facilities including, but not limited to, local jails, police lockups, and juvenile facilities. See 42 U.S.C. § 15609(7). DOJ has promulgated standards for prisons and jails (28 C.F.R. §§ 115.11 – 115.93), lockups (28 C.F.R. §§ 115.111 – 115.193), residential community confinement facilities (28 C.F.R. §§ 115.211 – 115.293), and juvenile facilities (28 C.F.R. §§ 115.311 – 115.393).</p> <p>The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff sexual misconduct.</p> <p>Additionally, on May 17, 2012, the President directed "all agencies with federal confinement facilities that are not already subject to the Department of Justice's final rule" to develop rules or procedures that comply with PREA.</p> <p>A public agency that contracts for the confinement of its residents with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.</p> <p>Any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards</p>
Professional Visitors:	Any person having access to any of the MCJDC who provides a professional service to children/youth or employees, including but not limited to, attorneys, paralegals, paraprofessionals, investigators, clergy, unpaid interns, or researchers.
Sexual abuse:	Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and a youth by force, persuasion, inducement, or enticement; any sexual act or contact in which an employee, volunteer or agency representative participates or forces any youth to engage; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.

Glossary:	
Term	Definition
Sexual assault:	<p>Any sexual touching or contact, including but not limited to rape, sodomy or unlawful touching. <i>Child sexual abuse</i> also means one or more of the following acts:</p> <ul style="list-style-type: none"> ◆ Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen ◆ Any contact between the genitals or anal opening of one person and the mouth or tongue of another person ◆ Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose ◆ Intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator ◆ Intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose ◆ Sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in sexual exploitation.
Sexual harassment:	<p>Includes, but is not limited to, all of the following, whether by employees, volunteers, contractors, other agency representatives, or youth: Sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any youth's (or employee's) safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.</p>
Sexual misconduct:	<p>Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, official visitor, or agency representative. Romantic relationships between employee and youth are included. Consensual or non-consensual sexual acts include: intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire or completed, attempted, threatened or requested sexual acts; or occurrences of indecent exposure, invasion of privacy or voyeurism for sexual gratification which is an invasion of a youth's privacy by an adult by peering at a youth in private situations outside of those required by supervisory policies, requiring a youth to expose any part of the body for any purpose except for medical treatment or searches pursuant to DCS policies, and includes indecent exposure to the youth or allowing a youth to expose himself or herself to an adult present in the facility. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggests a romantic relationship between and youth and any party referenced above, demeaning references to gender or sexual preference, or sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.</p>

Glossary:	
<i>Term</i>	<i>Definition</i>
Sexualized work environment:	A work environment in which the behaviors, dress, and speech of either employees and/or youth create a sexually charged workplace. Sexually explicit talk, inappropriate emails, posted cartoons, jokes, or unprofessional dress characterizes a sexualized work environment. In a sexualized work environment, often employees' off-duty behaviors, dating, and other activities intrude into the everyday work environment. In a sexualized work environment talk or actions have sexual overtones. A sexualized work environment severely erodes the professional boundaries between employees and between employee and youth.
Volunteer:	Any person who, by mutual agreement with the agency, provides service without compensation, or who voluntarily assists children/youth or DCS in the course of the volunteer's duties.

Policy Review Comments:	
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