



POLK COUNTY JUVENILE DETENTION CENTER POLICY & PROCEDURE MANUAL

Policy # 5.5	
Chapter: Safety and Emergency Procedures	
SUBJECT: Preventing Sexual Misconduct against Youth (PREA Compliance)	Related Licensing Rules:

POLICY

It is the policy of the Polk County Juvenile Detention Center that all forms of sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, juveniles and juveniles, regardless of consensual status, is prohibited and subject to administrative and criminal sanctions. The Polk County Juvenile Detention center has a zero-tolerance policy for all forms of sexual abuse/harassment and complies with all PREA standards for juvenile facilities. All staff working for and/or inside the PCJDC facility is required to take immediate action to protect a resident or residents, upon learning that a resident is at risk of imminent sexual abuse.

Definitions

Retaliation- Retaliation occurs when a youth or staff injures, harms, intimidates, or hinders (negatively impacts daily point scores, level advancement, negative consequences, living unit assignment, etc.) a person who has reported sexual abuse and assault or attempts to do so in response to the report.

Sexual Abuse- Unwanted sexual activity, with perpetrators using force, making threats, taking advantage of victims not able to give consent, or using apposition of authority for sexual activity.

Sexual Harassment- Demeaning references to gender, derogatory comments about gender, jokes about sex or gender specific traits, abusive, threatening, profane or degrading sexual comments, attention, language or conduct of a sexual nature.

Staff Sexual Misconduct- All incidents of willing and unwilling sexual contact with facility staff, and all incidents of sexual activity that involves oral, vaginal, anal penetration, or voyeurism.

Intersex- A person is born with a combination of male and female biological characteristics, such as chromosomes or genitals, which can make it difficult to assign their sex as male or female.

LGBTI- Is an acronym for Lesbian, Gay, Bisexual, Transgender or Intersex.

Transgender- A person whose gender identity (i.e. their internal sense of feeling male or female) is different from the person’s assigned sex at birth.



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Sexual Assault Prevention Planning Policy

Juvenile Detention Center staff and administration will take every precaution to assure that residents of the Center are not at risk of rape, sexual harassment or sexual assault. If there is an allegation that such an act takes place the following procedures will be followed to ensure the emotional and physical well-being of the alleged victim. Staff members and Management of the Center will also take every step to see that the perpetrator of the assault is held 100% accountable. This policy encompasses three distinct procedures depending on the circumstances of the allegation:

- 1. Prevention of rape/sexual assault/harassment.**
- 2. Treatment of the alleged victim.**
- 3. Protection of the crime scene/evidence and investigation of the incident.**

PROCEDURE

(1-A) Prevention - Resident on Resident Assault Prevention

- Residents will always be placed in a single room and will never have a roommate.
- Staff members will make every attempt to house residents with a history of sex crimes on a different wing, away from younger or more vulnerable residents. Staff will do this to the extent that population of the Center allows segregation.
- If staff members see a resident with a history of sex crimes exhibiting behaviors that could be deemed as grooming or attempting to intimidate another resident, those residents will be segregated from the group.
- Staff members will assure that two residents are never allowed in a single room, restroom or any other place that is not supervised closely at the same time.
- Staff members will not allow residents to touch each other physically in any way.
- Staff members will not allow residents to make any physical gestures engage in conversation or joke in a way that could be deemed sexually provocative.

(1-B) Prevention - Staff Member on Resident Assault Prevention

- Staff members will never be alone with a resident in a sleeping room, shower or any other place in the Center that is not covered by camera surveillance or the direct visual vicinity of the control room.
- Staff members will not engage in any behavior or conversation of a sexual inappropriate nature in the presence of residents.
- Staff members will assure that two residents are never allowed in a single room, restroom or any other place that is not supervised closely at the same time.
- Staff members will not touch residents physically in any way, other than a handshake, to provide medical treatment or in cases in which residents require physical assistance in



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order to regain control of their behavior. There will always be another staff member present when these situations occur.

- Staff members will not make any physical gesture, engage in conversation or joke in a way that could be deemed sexually provocative or cause a resident to feel uncomfortable.

(1-C) Prevention – Accommodating residents with special needs

- Accommodations will be made to convey all written information about sexual abuse policies, including how to report sexual abuse, to individuals who have limited reading skills, are visually impaired, are LEP (limited English proficient), deaf, and/or otherwise impaired.
- All LEP, deaf, and/ or otherwise disabled residents can report sexual abuse directly through non-resident interpreters, who will be made available to them within 24 hours of intake.
- Within 24 hours of intake, the Program Administrator and an appropriate interpreter will collaboratively develop a safety plan for residents with special needs for communicating that sexual abuse has occurred.
- The safety plan will then be communicated to staff, so they can take immediate action if the individual communicates that sexual abuse has occurred.

(1-D) Prevention – Assessment and use of monitoring technology

- A continuously recording, 24-hour per day video monitoring system is used to record visual images of all the common areas, gymnasium, classroom, and hallways to supplement the agencies sexual abuse prevention, detection, and response efforts.
- The agency does not use video monitoring systems in bathrooms, showers or individual youth's sleeping room.
- One time per year, (at the beginning of the fiscal year) the center director and shift leaders will collaboratively assess the feasibility of and the need for new additional monitoring technology and develop a plan for securing such technology by using the "monitoring technology assessment form."

(1-E) Prevention – Assessment and Placement of residents

- Staff will utilize the "PREA risk assessment" form to determine the residents risk of perpetrating or becoming a victim of sexual abuse
- Employees use all information obtained about a resident at intake and throughout their stay when determining housing, bed, program, and education placements. This is completed on an individualized basis with the goal of keeping all residents safe and free from sexual and physical abuse
- If at any point during this risk assessment, the resident indicates either they have experienced sexual victimization, sexual harassment or have perpetrated sexual abuse, the resident will be offered a follow-up meeting with a medical/mental health care



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practitioner within 14 days. PCJDC will offer the treatment recommendation deemed appropriate by the mental health care practitioner.

- Any information obtained during the risk assessment regarding sexual abuse/victimization will be limited to medical and mental health practitioners, and detention staff only to be used to make decisions regarding security.
- All sensitive information that is obtained will not be exploited to the residents detriment by staff or shared with other residents.
- Gay, lesbian, transgender, bi-sexual and intersex, the youth shall not be assigned to a living unit based on their status and their status will not be used as an indicator of ~~sexual abuse~~ being sexually abusive.
- A transgender or intersex resident's own views with respect to their safety shall be given serious consideration
- Reassessments shall occur upon the youth being bumped back to PCJDC, additional PREA related issues arise or the youth has been detained for a period of six consecutive months.

(1-F) Prevention – Unannounced supervisor rounds

- Administrative and Management staff will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment on nights as well as day shifts. Staff members are prohibited from alerting other staff members that these supervisory rounds are occurring.

(1-G) Prevention – Cross-gender viewing and searches

- Staff members will not view residents who are nude or performing bodily functions, except in the case of an emergency or incidental viewing during routine room checks.
- Staff members will not search or physically examine a transgender or intersex resident for the sole purpose of determining the residents genital status. If the residents gender status is unknown, a medical practitioner may only obtain that information as part of a routine physical examination
- Strip searches shall be performed only upon entry to the Detention Center or when there is reasonable cause to believe that weapons or contraband will be found. The strip search shall not be conducted except under all of the following conditions:
 1. Written Authorization of the Team Leader on Duty is obtained.
 2. **A signed search warrant has been obtained from a Judge.**
 3. The search is conducted in a place where it cannot be observed by persons not conducting the search.
 4. A staff member of the same gender shall conduct the strip search.
- When conducting a strip search, the staff member will do the following procedure in an area not visible to others:



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1. have the juvenile remove and step away from his/her clothing
 2. Staff shall initial all clothing and search the clothing for contraband
 3. Have the juvenile lower his head and run his/her fingers through his/her hair
 4. Observe the youth for abrasions, injuries, self-harm markings, and document
 5. Ask the youth to spread their arms and legs and turn 360 degrees
 6. Observe for any items that may have dislodged during the turn
 7. Document on an Incident Report the situation in detail
- Pat downs and undergarment searches will always be performed by a staff member of the same gender as the resident. Pat down searches will always be conducted with another, same gender, staff member present or on video monitoring.
 - Staff members of opposite gender are required to knock and announce their presence prior to entering cells, bathrooms, or shower rooms
 - Cross-gender pat searches, cross-gender strip searches, and cross-gender visual body cavity searches are prohibited
 - The agency shall train staff how to conduct pat-down searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs

(1-H) Prevention – Hiring and promotion decisions

- Potential staff members and employees being considered for promotion will receive a thorough background and child abuse history check prior to being employed at the Center or earning a promotion.
- Administrative staff will conduct two reference checks on each newly hired staff, at which time they will contact prior institutional employers to obtain information on substantiated allegations of sexual abuse.
- Applicants and employees being considered for promotion will be disqualified upon learning of any history of substantiated allegations of sexual abuse in an institutional setting or in the community. Potential staff members will be disqualified upon learning of any criminal convictions including domestic violence, child abuse, stalking, and sex offenses.
- Employees will receive a criminal background check every year.
- Material omissions regarding sexual misconduct or the provision of materially false information shall be grounds for termination.
- JDC will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer.

(1-I) Prevention – Upgrades to facilities and technology



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- When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, PCJDC will consider the effect of the design, acquisitions, expansion, or modification on staff member's ability to protect residents from sexual abuse
- When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, PCJDC's ability to protect residents from sexual abuse will be considered.

Alleged Sexual Assault Response Protocol

PCJDC administration has developed this protocol, based on the U.S. Department of Justice's "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents." Polk County Juvenile Detention Center administration will update the protocol upon publication of updated editions, or similarly comprehensive and authoritative protocols are developed. An updated policy will be kept on file at the center, for reference purposes, in the event of an alleged sexual assault.

(2-A) Treatment of the Alleged Victim - Resident on Resident Assault

- All allegations of sexual abuse and harassment, including third-party and anonymous reports will be taken seriously and will be forwarded to the local law enforcement.
- The Program Administrator will be contacted and informed of the situation immediately.
- The victim of the alleged assault will be sight and sound separated from the perpetrator. If sight and sound separation cannot be assured, the alleged perpetrator of this offense will be moved to another secure facility.
- The alleged victim of the assault will be placed on suicide watch until cleared by a psychologist/psychiatrist.
- Team Leader/Program Administrator will contact the Crisis and Advocacy Program offered through Polk County and immediately enlist the crisis intervention services of an Advocate from that agency. The victim advocate will accompany the victim through the entire investigation process, including the forensic medical exam.
- The County Risk Manager will be contacted by the Program Administrator.
- Team Leader/Program Administrator will contact Juvenile Court Services as well as the victim's parents, attorney and inform them of the situation. (if the resident is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of parents)
- Staff members will work with Juvenile Court and local law enforcement to arrange medical treatment/examination of the alleged victim. The youth will be seen by medical personnel as they employ qualified forensic medical examiners trained in the unique conditions of younger victims of sexual abuse. At this time, the victim will have access to timely medical treatment, and a forensic medical exam, free of charge.



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- Staff members, as well as the Management Team, will work closely with the victim, victim's family, Juvenile Court Services, victim's attorney and the Crisis and Advocacy Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with this situation.
- Alleged victims of sexual abuse will be offered timely information about and access to emergency contraception.
- Alleged victims of sexual abuse will be offered access to STD (sexually transmitted disease) information, testing, and treatment.
- Alleged female victims of sexually abusive vaginal penetration shall be offered a pregnancy test.
- If pregnancy results are positive, victims will receive timely access to pregnancy-related medical services.
- Follow-up services or referrals for continuing care once the victim has been transferred or discharged shall be covered at a level consistent with care generally provided in the community.
- All medical treatment received by the victim will be provided free of cost, regardless of whether the victim names the abuser or cooperates with the investigation.

(2-B) Treatment of the Alleged Victim - Staff Member on Resident Assault

- All allegations will be taken seriously.
- The Program Administrator will be contacted and informed of the situation immediately.
- The alleged perpetrator of the assault will be placed on administrative leave immediately, pending investigation of the incident. No contact will be allowed between the alleged perpetrator of the assault and the victim.
- The alleged victim of the assault will be placed on suicide watch until cleared by a psychologist.
- No staff member will speak to the victim of the assault about the specifics of the incident in an investigatory way.
- Team Leader/Program Administrator will contact the Crisis and Advocacy Program offered through Polk County and immediately enlist the services of an Advocate from that agency. The victim advocate will accompany the victim through the entire investigation process, including the forensic medical exam.
- The County Risk Manager will be contacted by the Program Administrator.
- Team Leader/Program Administrator will contact Juvenile Court Services as well as the victim's parents, and the victim's attorney to make them aware of the situation. If the resident is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents.
- Staff members will work with Juvenile Court and local law enforcement to arrange emergency medical treatment/examination of the alleged victim. The youth will be



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seen by medical personnel as they employ qualified forensic medical examiners trained in the unique conditions of younger victims of sexual abuse. At this time, the victim will have access to timely medical treatment, and a forensic medical exam, free of charge.

- Staff members as well as the Management Team will work closely with the victim, Juvenile Court Services, victim's attorney, the Rape/Sexual Assault Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with this situation.
- Alleged victims of sexual abuse will be offered timely information about and access to emergency contraception.
- Alleged victims of sexual abuse will be offered access to STD (sexually transmitted disease) information, testing, and treatment.
- Alleged female victims of sexually abusive vaginal penetration shall be offered a pregnancy test.
- If pregnancy results are positive, victims will receive timely access to pregnancy-related medical services.
- All medical treatment received by the victim will be provided free of cost, regardless of whether the victim names the abuser or cooperates with the investigation.
- Follow-up services or referrals for continuing care once the victim has been transferred or discharged will be covered at a level consistent with care generally provided in the community.

Protection of the Crime Scene/Evidence and Investigation of the Incident

(3-A) Investigation of the Incident - Resident on Resident Assault

- All allegations will be taken seriously.
- Each and every step that staff members and members of the management team take to initiate and assist in the investigation will be meticulously documented, from the allegation of the accuser to the outcome of the investigation.
- The area that the alleged victim identifies as being the site if the assault will be closed off and deemed inaccessible to anyone but law enforcement personnel. This area will be locked or inaccessible until it is 'cleared' by law enforcement.
- The Program Administrator will be contacted and informed of the situation immediately.
- The Program Administrator or designee will contact Law Enforcement (Polk County Sheriff's Office) with the authority to conduct criminal investigations, as well as Child Protective Services in order to begin an investigation into the incident.
- The victim of the alleged assault will be sight and sound separated from the perpetrator. If sight and sound separation cannot be assured, the alleged perpetrator of this offense will be moved to another secure facility. No staff member will speak to the victim or alleged perpetrator of the assault about the specifics of the incident in an investigatory way.



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- Staff members as well as the Management Team will work closely with the victim, victim's family, Juvenile Court Services, the victim's attorney, and the Crisis and Advocacy Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with this situation.

(3-B) Investigation of the Incident: Staff Member on Resident Assault

- All allegations will be taken seriously.
- Each and every step that staff members and members of the management team take to initiate and assist in the investigation will be meticulously documented, from the allegation of the accuser to the outcome of the investigation.
- The area that the alleged victim identifies as being the site if the assault will be closed off and deemed inaccessible to anyone but law enforcement personnel. This area will be locked or inaccessible until it is 'cleared' by law enforcement.
- The Program Administrator will be contacted and informed of the situation immediately.
- The Program Administrator or Designee will contact Law Enforcement (Polk County Sheriff's Office) with the authority to conduct criminal investigations, as well as Child Protective Services in order to begin an investigation into the incident.
- The alleged perpetrator of the assault will be placed on administrative leave pending investigation of the incident. No contact will be allowed between the alleged perpetrator of the assault and the victim.
- No staff member will speak to the victim or the alleged perpetrator of the assault about the specifics of the incident in an investigatory way.
- Team Leader/Program Administrator will contact the Crisis and Advocacy Program offered through Polk County and immediately enlist the services of an Advocate from that agency.
- Team Leader/ Program Administrator will contact Juvenile Court Services, the victim's attorney, as well as the victim's parents and make them aware of the situation.
- Staff members as well as the Management Team will work closely with the victim, victim's family, Juvenile Court Services, the victim's attorney, and the Crisis and Advocacy Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with this situation.

(3-C) Investigation of the Incident: Administrator's review of critical incidents.

1. If and when sexual abuse has occurred, the Program Administrator will review the incident and examine the area within the facility where it occurred, to assess the following:
 - Physical barriers which may have enabled abuse



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- Adequacy of staffing levels during different shifts
 - Monitoring technology needs
2. Through this examination, if the Program Administrator identifies problems or needs, appropriate corrective action will be taken to resolve the problem.

(3-D) Sexual Abuse Incident Review:

- Program Administrator and Team Leaders will conduct a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded.
- Program Administrator will attempt to gain input for the sexual abuse incident review from involved investigators and medical and mental health care practitioners who were involved in the investigation or care of the perpetrator/victim
- Program Administrator and Team Leaders will utilize the “PCJDC Sexual Abuse Incident Review form” and complete a written report with recommended changes after gaining input from involved investigators of the incident.
- Changes to PCJDC policies/procedures, physical environment, staffing, etc. which are recommended from the review will be implemented as soon as possible. If changes are unable to be made, reasons why will be documented.

Sexual Abuse Training and Education

Polk County Juvenile Detention Center staff receives training during the first six months of employment and bi-annual refresher training on the topic of sexual abuse. In years in which an employee does not receive refresher training, staff will receive refresher information on current sexual abuse and sexual harassment policies and procedures. Volunteers and contractors will receive an abbreviated training annually. Following training, Polk County Juvenile Detention Center will require all employees, volunteers, and contractors who have direct contact with the residents to sign documentation stating they understand the training. Polk County Juvenile Detention Center Administration will maintain documentation of all employees, contractors, and volunteers signatures.

(4-A) Juvenile Detention Staff Training: covers an array of topics relating to sexual assault, is tailored to the unique needs of the Polk County Juvenile Detention Center and will ensure employees:

- Are able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies in regard to PREA standards and relevant laws
- Are educated on the agency’s most current sexual abuse policies and procedures
- Understand a resident's right to be free from sexual abuse
- Understand the right of residents and employees to be free from retaliation for reporting sexual abuse
- Learn dynamics of sexual abuse and sexual harassment in juvenile facilities
- Learn common reactions of juvenile victims of sexual abuse and harassment



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- Are able 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
- Are able to avoid inappropriate relationships with residents
- Learn how to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming residents
- Learn how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- Understand that youth in the care of PCJDC may never consent to sexual activity with staff personnel.

(4-B) AEA Staff Training: The Heartland AEA provides Teachers, Para-educators, and Social workers to Polk County Juvenile Detention Center who have direct contact with the residents on school days, throughout the school year. Due to their high level of contact with detention residents, they will be required to attend annual training to ensure that they:

- Are able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies in regard to PREA standards and relevant laws
- Understand the Polk County Juvenile Detention Center's zero tolerance policy regarding all forms of sexual abuse
- Are trained in how to report sexual abuse to juvenile direct care staff and/or juvenile court services staff when appropriate
- Are educated on the agency's most current sexual abuse policies and procedures
- Understand a resident's right to be free from sexual abuse
- Understand the right of residents and employees to be free from retaliation for reporting sexual abuse

(4-C) Volunteers, low-contact contractors training: Occasionally, the Polk County Juvenile Detention Center will have interns, medical practitioners, and mental health practitioners, and various other volunteers and miscellaneous contractors working in the center. These volunteers and contractors who have a low level of contact will meet with the center director prior to contact with residents to ensure that they:

- Are able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies in regard to PREA standards and relevant laws
- Understand the Polk County Juvenile Detention center's zero tolerance policy regarding all forms of sexual abuse
- Are trained in how to report sexual abuse to juvenile direct care staff and/or juvenile court services staff when appropriate

(4-D) Resident education and training: During the intake process, staff educates residents, in an age appropriate fashion, on the following:

- Polk County Juvenile Detention Center's zero tolerance policy regarding all forms of sexual abuse and harassment



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- How to report incidents of sexual abuse/harassment (to JCO or staff)
Within 10 days of intake, residents will be provided comprehensive age-appropriate education through handouts and staff presentation regarding:
 - Their right to be free from sexual abuse and free from retaliation for reporting abuse
 - PCJDC sexual abuse response policies and procedures

L.E.P., deaf, visually impaired, or otherwise disabled residents will be provided the training information in a format that accommodates their individual needs. PCJDC will verify resident attendance at training sessions and maintain written verification of attendance. Pamphlets will be continuously and readily available to residents at all times providing such education.

Reporting

(5-A) Resident Reports of sexual abuse: PCJDC provides multiple internal ways for residents to report easily, privately, and securely sexual abuse, retaliation by other residents or staff for reporting abuse, and staff neglect or violation of responsibilities that may have contributed to sexual abuse. All residents have regular access to direct line staff members, shift leaders, the center director, AEA school teachers, and contractors. Residents are informed upon intake that they may make a verbal report to any of these staff at any time or write a confidential “letter to the director.” Also, they are informed they may make a report to their Juvenile Court Officer at any time. Staff will accept reports made verbally, in writing, anonymously, and by third parties. A youth who alleges sexual abuse/harassment may submit a grievance without submitting it to a staff member who is the subject of the complaint. All verbal reports and third party reports will be immediately put into writing and the center director will be notified immediately. Residents will be provided the tools necessary to write a report.

(5-B) Staff reports of sexual abuse: PCJDC staff shall report sexual abuse and harassment immediately and take immediate action (in the event of witnessing sexual abuse) towards fellow staff and/or residents to stop the abuse. Staff is encouraged to report this as soon as possible and are able to privately report sexual abuse by contacting the Program Administrator. PCJDC requires all staff report any knowledge suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in 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. These reports need to be made as soon as possible directly to the center director. PCJDC staff members are 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.

(5-C) Resident Access to outside support services and legal representation: PCJDC provides residents with access to outside victim advocates for emotional support services related to sexual abuse by informing residents of the child abuse hotline offered through the Department



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of Human Services, Child Protective Assessment. Residents are provided the phone number upon intake and informed they may call at any time. Staff will inform them that their call will not be monitored but that if they report sexual abuse during the call, the phone counselor will likely make a report on their behalf.

(5-D) Medical and mental health care professionals reporting: Medical and mental health practitioners who come into contact with PCJDC residents are required to report sexual abuse to the Program Administrator upon witnessing sexual abuse or receiving a report of sexual abuse. Medical and mental health practitioners are required to inform residents at the initiation of services of their duty to report and limitations of confidentiality.

(5-E) Reporting to other confinement facilities: Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Program Administrator will notify the head of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The Program Administrator will document the notification in the resident's case file. If PCJDC receives an allegation from an outside agency, the center director will ensure that the allegation is investigated in accordance with this procedure.

(5-F) Staff first responder duties: Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:

- Separate the alleged victim and abuser
- Preserve and protect any crime scene until appropriate steps can be taken to collect evidence
- Request the alleged victim and alleged abuser not take any action that could destroy physical evidence, including, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating
- Immediately inform a Team Leader or Administrative staff
- Immediately inform medical/nursing staff and Polk County Crisis & Advocacy Services

(5-G) Staff and resident - Protection against retaliation for reporting: All staff will monitor residents to ensure that residents who report sexual abuse/harassment or comply with sexual abuse/harassment investigations are protected from any type of retaliation from staff or residents. Team Leaders are responsible for ensuring staff members who report sexual abuse or comply with the sexual abuse investigation are protected from any type of retaliation from other staff. Team Leaders will immediately report any retaliation by staff to the Program Administrator and the disciplinary process will be utilized.

The Team Leaders/Program Administrator will conduct weekly status checks of residents during the monitoring period to ensure retaliation is not occurring. Checks shall include:

- Resident disciplinary reports



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- Living unit assignment/reassignment
- Staff reviews, etc.

PCJDC will employ protection measures up to and including, moving victims or abusers to different living units, transferring victims or abusers to different facilities, and removal of alleged staff or resident abusers from all contact with victims in order to protect them from retaliation. The situation will be continually monitored throughout the alleged victims or perpetrators stay. All staff shall act promptly to remedy any such retaliation. The Program Administrator will utilize mental health care practitioners to provide emotional support services for residents of staff who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations. Residents who need to be segregated for their protections are entitled to rights outlined under policy 1-E. For at least 90 days from the initial report, PCJDC Administrative staff will monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff and will act promptly to remedy such action.

Investigations

PCJDC Program Administrator will ensure all reports of sexual abuse are investigated promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports. Reports of a resident on resident sexual abuse will be reported to local law enforcement for criminal investigation. Reports of staff on resident sexual abuse will be reported to the local law enforcement for criminal investigation. All PCJDC staff shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

(6-A) Administrative investigations: The Program Administrator will conduct administrative investigations after receiving reports of any type of abuse or harassment to determine whether staff actions or failures to act contributed to the abuse/harassment. Investigations 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. PCJDC shall retain all written reports referenced above for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. The departure of the alleged abuser or victim from employment or control of the facility shall not provide a basis for termination of the investigation. Sexual harassment behavior which could potentially rise to the level of criminal behavior as defined by Iowa Code Section 708.7, will be referred for investigation by local law enforcement (Polk County Sheriff).

(6-B) Evidentiary standard: PCJDC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.



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(6-C) Reporting investigation findings to residents: Following an investigation into a resident's allegation of sexual abuse suffered at PCJDC, the center director will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the investigation was conducted by a local law enforcement agency, the center director will request the relevant information in order to inform the resident. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the center director will inform the resident (and document notification) if and when:

- The staff member is no longer posted within the resident's unit
- The staff member is no longer employed by the facility
- PCJDC learns that the staff member has been indicted and/or convicted on a sexual abuse charge

Following a resident's allegation that another resident has committed sexual abuse against the resident, the center director will inform the resident (and document notification) if and when:

- PCJDC learns that the alleged abuser has been indicted on the related sexual abuse charge
- PCJDC learns that the alleged abuser has been convicted on the related sexual abuse charge

****Note:** PCJDC will only make above notifications if the resident is still in the custody of PCJDC.

Disciplinary Sanctions

(7-A) Disciplinary sanctions for staff: Staff shall be subject to disciplinary sanctions up to and including termination for violating the PCJDC PREA Compliance Policy and/or the Community, Family and Youth Services "Standards of Conduct" policy. Staff who are determined to have engaged in sexual activity with a resident, including sexual abuse, will be terminated immediately. Disciplinary sanctions for violations of the PCJDC PREA Compliance Policy and/or the Community, Family and Youth Services "Standards of Conduct" policy will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and past sanctions imposed upon other staff for comparable histories. If a staff member has their employment terminated or resigns due to violations of sexual abuse and harassment policies it will be reported to local law enforcement and the Iowa Department of Human Services, unless the activity was clearly not criminal.

(7-B) Disciplinary Sanctions for contractors and volunteers: Any contractor or volunteer who is determined to have committed sexual abuse will be prohibited from re-entering the facility indefinitely. If a contractor or volunteer is determined to have committed sexual abuse, the Program Administrator will make reports to local law enforcement and the Department of Human Services. If it is determined that a volunteer or contractor has violated the PCJDC, PREA Compliance Policy and/or the Community, Family and Youth Services "Standards of Conduct" policy. PCJDC will take appropriate remedial measures and shall consider whether to prohibit further contact with residents.



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(7-C) Disciplinary sanctions for residents: PCJDC prohibits all sexual activity between residents and will provide discipline for such activity. However, PCJDC does not consider the sexual activity to constitute sexual abuse if it is not coerced. A resident will only be disciplined for sexual contact with a staff member if there is a finding that the staff member did not consent to the sexual contact. PCJDC residents may be subject to disciplinary sanctions only after a formal disciplinary process following an administrative investigation finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. Disciplinary sanctions will be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and sanctions imposed for comparable offenses by other residents.

(7-D) Disciplinary sanctions for residents filing a grievance in bad faith: PCJDC may discipline a youth for filing a grievance related to alleged sexual abuse/harassment only when it can be demonstrated the youth filed the grievance in bad faith. Discipline can include notifying the County Attorney's office and determining if criminal charges could be warranted. For the purpose of the disciplinary action, ~~a report of sexual abuse made in good faith shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.~~ An unfounded or unsubstantiated finding is not sufficient to determine that a resident made an allegation in bad faith.

(8-A) Ongoing medical/mental health care for sexual abuse victims/abusers:

- At any point in time, if a resident reports prior sexual abuse victimization, they will be offered a medical and mental health evaluation, and if appropriate, treatment (including follow-up services and treatment plans) consistent to what they would receive in the community.

Data Collection, Storage, and Review

(9-A) Data Collection: PCJDC will collect uniform data for every allegation of sexual abuse, alleged to have occurred inside the facility. PCJDC staff will utilize the U.S. Department of Justice "survey of Sexual Violence, 2009 – Juvenile incident Form" to document incidents of sexual abuse alleged to have occurred inside the facility. PCJDC will aggregate the incident-based sexual abuse data annually, at the end of each fiscal year. Upon request, PCJDC will provide sexual abuse incident data to the United States Department of Justice.

(9-B) Data Review: PCJDC will review data collected and aggregated annually, at the end of each fiscal year, to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. The PCJDC Program Administrator will prepare an annual report at the end of each fiscal year which includes aggregate data, identified problem areas, and corrective action plans. The report shall include a comparison of previous year's data and a report on PCJDC's progress in addressing sexual abuse. The report will be made readily available to the public through PCJDC's website within 90 days of the end




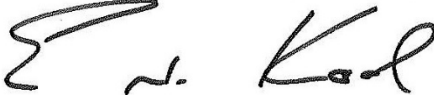
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of the fiscal year. All personal identifiers will be removed from the data, prior to making publicly available.

(9-C) Data Storage, Publication, and Destruction: All sexual abuse data collected by PCJDC staff will be securely retained in the Program Administrator’s locked office. PCJDC will maintain sexual abuse data collected for 10 years after the date of its initial collection.

Annual Review

This policy shall be reviewed at least annually and revised as needed.

Effective Date	Approved By	Date Reviewed	Date Revised
03/01/15	Program Administrator: Dan Larson  PCYS Director: Eric Kool 	04/16, 03/18, 06/20	03/18



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Sexual Misconduct Review Form

Review team members involved and title:

Victim Name: _____ Perpetrator Name: _____

Date/Time of Incident: _____

Description of Incident: _____

Where there physical barriers in the area which may have enabled the abuse? If Yes, what? _____

How many staff were on shift? _____ Was the amount of staffing adequate? _____

Was the monitoring technology adequate in the area? _____

If no, what monitoring technology could PCJDC deploy in order to make supervision adequate in this area? _____

Is there a need to change policy or practice to better prevent, detect, or respond to sexual abuse/harassment? _____

If so, what changes need to be made? _____

Was the incident believed to be motivated by race, ethnicity, gender identity, sexual orientation, gang affiliation, or other group dynamic? _____ If yes, what and why? _____

Summary of findings:

Recommendations for improvement/Implementation plan and date:

Review Team member Signature/Title

Date

Review Team member Signature/Title

Date

Program Administrator's Signature


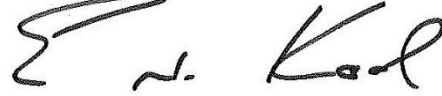
Date



POLK COUNTY JUVENILE DETENTION CENTER POLICY & PROCEDURE MANUAL

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Policy # 5.5 (b)	
Chapter: Safety and Emergency Procedures	
SUBJECT: Preventing Sexual Misconduct against Youth (PREA Compliance)	Related Licensing Rules:

Monitoring Technology Assessment Form

Date: _____ **Staff present for review:** _____

Assessment questions:

1. Do you feel the center has an adequate amount of monitoring technology in place to prevent, detect, and respond to sexual abuse/harassment allegations?
2. If not, what/where do you feel additional monitoring technology is needed?
3. Did the center have any sexual abuse/harassment allegations occur over the last year?
4. If so, did the center have an adequate amount of monitoring technology in place to detect it quickly and respond appropriately?
5. If not, what/where could additional monitoring technology be utilized?
6. As a result of this review, did this group identify any monitoring technology needs that are currently not being addressed? YES _____ NO _____

If yes, what is the plan to secure such technology? _____



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PREA Risk Assessment

Youth Name: _____ Intake Date/Time: _____

Risk Assessment completion Date/Time: _____

TO BE COMPLETED BY YOUTH

Your answers will be kept confidential and only used to help ensure your safety and the safety of others.

15. Have you ever been the victim of sexual abuse/harassment/misconduct? **YES / NO** (If Yes, see below)

a) How long ago did the incident(s) occur? _____

b) Did the abuse occur in a correctional setting? **YES / NO**

16. Have you ever engaged in sexual abuse/harassment/misconduct? **YES / NO**

17. Do you consider yourself gay, bi-sexual, transgender, or intersex? **YES / NO** (If Yes, see below)

a) If you identify as intersex, which gender of staff would you feel more comfortable with performing a pat down search on you? **MALE / FEMALE**

18. Do you feel vulnerable to sexual abuse? **YES / NO** (If Yes, see below)

a) What type of circumstances do you feel would make you vulnerable?

19. Do you feel that you need to be separated from other youth for safety reasons? **YES / NO**

a) If yes, list the reasons why: _____

TO BE COMPLETED BY INTAKE SPECIALISTS WITH JUVENILE COURT INPUT WHEN POSSIBLE

1. What are the youth's most recent charges? _____

2. What other charges are in the youth's offense history? _____

3. Is the youth's cognitive or emotional development impaired in any way? **YES / NO** If so, how? _____

4. Does the youth have any known mental illnesses or mental disabilities? **YES / NO** If so, list: _____

5. Does the youth have any known intellectual, developmental, or physical disabilities? **YES / NO** If yes, list: _____

6. Is the youth below 5 ft or 100 lbs (or) above 6 ft or 200 lbs? **YES / NO**

7. Is the youth below 14 years of age? **YES / NO**



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PREA Risk Assessment Scoring Key

How many questions did the youth answer Yes? _____. Circle the Risk Level below and place accordingly.

0-1 = Low Risk - The youth’s living unit assignment will be determined by standard practices/procedures.

2-4= Moderate Risk - Youth’s living unit assignment will be determined based on the youth’s individual needs for safety and security. The youth’s Service Plan will reflect an immediate need regarding risk for victimization or perpetration.

5 or more = High Risk - Youth’s living unit assignment will be determined based on the youth’s individual needs for safety and security. The youth’s Service Plan will reflect an immediate need regarding risk for victimization or perpetration. Team Leader will make a determination if the youth needs to be placed on peer separation or otherwise isolated based upon the narrative information provided below.

Additional narrative: _____

If the youth answered “YES” to question 1 and/or 2, a copy of this document will be provided to the nursing staff for medical/mental health follow-up during the initial physical screening.

Date Given to Nurse: _____ Staff Signature: _____

Signature of Staff Completing Assessment: _____ Date: _____

PREA ASSESSMENT MUST BE COMPLETED WITHIN 72 HOURS OF INTAKE.

Re-assessment to occur when:


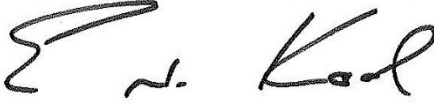
- Youth is “bumped back” to PCJDC
- New PREA-related issues become known
- The youth has been detained for a period of 6 consecutive months



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Annual Review

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