



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Prison Rape Elimination Act			Article: 1615
APPROVED: William Dickinson, Chief Probation Officer			
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POLICY

It is the position of the Kern County Probation Department to be committed to a **Zero-Tolerance** standard for sexual abuse and assault as stated in the Prison Rape Elimination Act (PREA) of 2003. This policy applies to all Kern County Probation Department employees, volunteers, visitors, and contract service providers. Engaging in a personal or sexual relationship with a youth(s) may result in termination of the employee, volunteer, intern, visitor or contract personnel's status and subject to administrative and criminal sanctions. Any employee, volunteer, intern, visitor or contract service provider who is a witness to or has knowledge of any sexual abuse, assault or harassment shall immediately report it to a supervisor or administrator on duty. Anyone who knowingly fails to report the sexual abuse, assault or harassment of a youth, regardless of the source, shall be subject to disciplinary action and/or criminal charges. All employees, volunteers, interns, visitors, contract service providers, youths are prohibited from retaliating against said personnel or youth for reporting allegations of sexual abuse, harassment or assault. Any information concerning a PREA incident is to be considered confidential. Any person who violates this prohibition shall be subject to disciplinary action.

I. GENERAL INFORMATION

- A. The Prison Rape Elimination Act (PREA) was created to eliminate sexual abuse in confinement. The Kern County Probation Department (Department) has a zero-tolerance policy regarding sexual assault, sexual abuse and sexual harassment.
- B. Youth of probation facilities, individuals under probation supervision, probation employee, contractors, volunteers and collaborative partners have a right to an environment free from sexual assault, sexual abuse and sexual harassment.
- C. The Department will fully investigate and immediately address all allegations of sexual assault, sexual abuse and sexual harassment to include criminal and administrative sanctions as appropriate.
- D. Probation employees, contractors, and volunteers are required to immediately report any instance of suspected or observed sexual assault, sexual abuse or sexual harassment verbally to a supervisor or administrator, then document the matter in writing within 24-hours.

- E. Probation employees are required to immediately intervene when they suspect or observe sexual assault, sexual abuse or sexual harassment.
- F. No probation employee, individual subject to probation supervision, facility youth, contractor, volunteer, or collaborative partner will be subject to retaliation for acting in good faith to intervene in, report, or document any incident of sexual assault, sexual abuse or sexual harassment.
- G. There are no authorized sexual acts within a probation facility or involving probation employee and individuals subject to supervision by this Department. An individual housed in a probation facility or subject to probation supervision may not consent to be involved in a sexual act while housed in a probation facility.

II. **GENERAL DEFINITIONS**

- A. **Contractor**: A person who provides service on a recurring basis pursuant to a contractual agreement with the Department.
- B. **Exigent Circumstances**: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the facility. An urgent and unanticipated event requiring immediate action.
- C. **Gender Expression**: The manner in which a person expresses his or her gender through clothing, appearance, behavior, speech, etc.
- D. **Gender Identity**: A person's sense of identification with either the male or female self.
- E. **Gender Nonconforming**: A person whose appearance or manner does not conform to traditional societal gender expectations.
- F. **Intersex**: A person whose sexual reproductive or anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- G. **Juvenile Facility**: As defined in Title 15, Juvenile Hall, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.
- H. **Mandated Child Abuse Reporter**: "Pursuant to Penal Code Section 11166, a mandated reporter shall make a report to a department specified in Section 11166.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes child abuse or neglect. The mandated reporter shall make an initial report to the department immediately or as soon as possible by telephone. The

mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information.”

- I. Prison Rape Elimination Act of 2003: Federal statute enacted in 2003 to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from sexual misconduct.
- J. PREA Coordinator: A manager responsible to develop, implement, and oversee department efforts to comply with the PREA standards in all of its facilities.
- K. PREA: Institution Compliance Liaison: Institution manager assigned to coordinate each facility’s efforts to comply with the PREA standards.
- L. Secure Juvenile Facility: A juvenile facility in which movement and activities of individual youth may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows youth access to the community to achieve treatment or correctional objectives, such as educational or employment programs typically will not be considered to be a secure juvenile facility, unless there are sanctions for the youth failing to return.
- M. Security Staff: Facility employees primarily responsible for the supervision and control of youth in housing units, recreational areas, and other program areas of the facility. As defined in Title 15, section 1321, “personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen or maintenance shall not be classified as youth supervision staff.”
- N. Sexual Orientation: As defined in Title 15, a person’s emotional, romantic and sexual attraction for members of the same, opposite or both sexes.
- O. Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the anatomical sex at birth.
- P. Substantiated Allegations: An allegation that was investigated and determined to have occurred.
- Q. Unfounded Allegations: An allegation that was investigated and the investigation determined not to have occurred.
- R. Unsubstantiated Allegations: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

- S. Visitors: A person such as an attorney, investigator, law enforcement official or therapist who is granted access to see or spend time with a youth for a certain intent or in an official/professional capacity.
- T. Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and the programs of the department.
- U. Youth: Any person confined or detained in a juvenile facility. As defined in Title 15, "a person who is in the custody of the juvenile detention facility. This person may be under 18 years of age or over 18 years of age. This includes persons whose case is under the jurisdiction of the juvenile court and persons whose case is under the jurisdiction of the adult court."

III. **DEFINITIONS RELATED TO SEXUAL MISCONDUCT, ABUSE AND HARASSMENT**

- A. Sexual Misconduct: Any act or behavior of a sexual nature, directed toward anyone by another person. Acts including but not limited to: threats, requests for sexual acts, attempts to commit acts of a sexual nature, obscenity, invasion of privacy for sexual gratification, inappropriate touching of a sexual nature, use of force, coercion, intimidation, threats to manipulate another person for control or sexual gratification.
- B. Sexual Abuse includes:
 - 1. Sexual abuse of a youth by another youth which includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
 - 2. Sexual abuse of a youth by an employee, contractor, volunteer or collaborative partner which includes any of the following acts, with or without consent of the youth:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

- b. Contact between the mouth and the penis, vulva, or anus;
- c. Contact between the mouth and any body part where employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by an employee, contractor, or volunteer to engage in the activities described in this section;
- g. Any display by an employee, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and
- h. Voyeurism by an employee, contractor, or volunteer: an invasion of privacy of a youth by employees for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her cell to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

C. Sexual Harassment includes:

- 1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and
- 2. Repeated verbal comments or gestures of a sexual nature to a youth by an employee, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

D. Exclusions as defined by PREA:

- 1. Custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

2. The use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape;
3. The use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

IV. **PROCEDURE**

A. Staff Responsibilities

1. Department PREA Coordinator

- a. The Department PREA Coordinator is designated by the Chief Probation Officer or executive level designee.
- b. The Coordinator is responsible for oversight of all PREA related activities and will have sufficient time and authority to develop, implement and oversee Department efforts to comply with PREA standards in all Department facilities including:
 - i. Development and implementation of PREA procedures;
 - ii. Development and coordination of employee and client PREA training;
 - iii. Monitoring and tracking of sexual misconduct incidents; and
 - iv. Collection, evaluation and reporting of data associated with Department PREA activities.

2. PREA Institution Compliance Liaison: Institution manager assigned to coordinate each facility's efforts to comply with the PREA standards.

B. Supervision and Monitoring

1. Staffing and Electronic Monitoring:

- a. Each facility will ensure adequate staffing levels to protect youth from sexual abuse. Institution administrators will consider the following as well as other factors in establishing staffing levels:
 - i. Physical plant characteristics such as blind spots and isolated areas or areas not frequently monitored;

- ii. Composition of youth population including gender, criminogenic risk and needs factors, age, prior history of delinquency, history of abuse or abusive behavior; and
- iii. Institutional programs and activities anticipated during a particular shift.

The facility may make use of video monitoring to enhance supervision and protect youth from sexual abuse. When designing or acquiring any new facility and in planning substantial expansion or modification of an existing facility, the Department shall consider the use of electronic forms of monitoring and the benefits and other impact of such use on the protection of youth in the Department's custody.

Annually, in conjunction with the annual institutional security review, the institution administrator will reevaluate staffing levels and use of video monitoring to determine and document adequacy of the staffing plan and use of video monitoring technologies to protect youth from sexual abuse.

C. Classification/Housing Assignment

1. Classification provides for the safety of all youths, officers, the public and the security of the facility by housing youths accordingly. Kern County Probation Department detention facilities will continue to maintain a systematic and consistent method of classifying detained youths for appropriate placement of youths in housing assignments.
2. Booking employees will consider vulnerability of all youths with an objective screening instrument at the time of admission through its classification guidelines prior to assigned unit, thereby reducing the risk of sexual assault against those youths who are most at risk or by those youths most likely to perpetrate such a crime.
 - a. Vulnerable youths: Intake employees will evaluate all youths specifically to determine their vulnerability to sexual assault as indicated by the following risk factors:
 - i. Age
 - ii. Physical stature
 - iii. Developmental disability
 - iv. Mental illness
 - v. Sex offender status (per criminal history)
 - vi. First time in custody

- vii. Past history of victimization
- 3. Sexually aggressive youths: Intake employees will evaluate all youths specifically to determine if there are indications a youth is prone to victimize other youths, especially in regard to sexual behavior, including the following:
 - a. History of sexually aggressive behavior;
 - b. History of violence, especially if related to a sex offense with same gender victim; and
 - c. Anti-social behavior.
- 4. Documentation of youth's vulnerability and sexual aggressive behavior will be noted on the initial intake sheet (and documented in youth's file) and communicated to staff upon arrival to youth's assigned unit. Staff will then make the necessary room assignments that will reduce the likelihood of youth being sexually victimized or perpetrate against another youth.
- 5. Kern County Probation Department employees are to maintain confidentiality during this process to ensure the safety of all youths, employees, public, and the safety and security of the facility.
 - a. Staff of Opposite Gender
 - i. Opposite gender employees and collaborative employees must announce their presence in a unit unless an opposite gender employees are currently working in the unit.
 - ii. Except in exigent circumstances or incidental to a routine safety check, youth will be permitted to shower, perform bodily functions and change clothing without non-medical employees of the opposite gender viewing their breasts, buttocks or genitalia.

D. Searches

- 1. Except in exigent circumstances, the following types of searches are not permitted. Exigent circumstances must be documented in a Special Incident Report and approved by a supervisor or administrator:
 - a. Search or examination of transgender or intersex youth solely for the purpose of determining the youth's genital status by other than a medical practitioner in the course of a broader general medical examination conducted in a private setting;

- b. Cross-gender skin/strip searches;
 - c. Cross-gender visual body cavity searches; and
 - d. Cross-gender pat-down searches.
 - 2. Employees will conduct cross-gender pat-down searches and searches of transgender and intersex youth in a professional and respectful manner and in the least intrusive manner possible, consistent with institutional security needs.
- E. Selection, Promotion and Background Screening of Department Employees, Collaborative Employees, Contractors and Volunteers.
 - 1. The Department shall not hire, promote or enlist the services of any Department employees, collaborative employees, contractor or volunteer who may have contact with youth, who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described above.
 - 2. Before hiring new employees, who may have contact with youth, the Department shall:
 - a. Perform a criminal background records check;
 - b. Consult any child abuse registry maintained by the State or locality in which the employee would work; and
 - c. Contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
 - 3. The Department shall perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor or volunteer who may have contact with youth.
 - 4. The Department shall consider any incidents of sexual harassment in determining whether to hire, promote, or enlist the services of any employee, contractor or volunteer, who may have contact with youth.

5. The Probation Department receives notification from the California Department of Justice and is notified of the arrest of any employee, contractors or volunteer within 24 hours.
6. The Department shall also ask all applicants and employees who may have contact with youth directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
7. All Department employees, contractors and volunteers have a continuing affirmative duty to disclose any sexual misconduct.
8. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for disciplinary action up to and including termination of employment.
9. The Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

F. Training and Education

1. Employee Training

- a. All employees who have routine, regular or incidental direct contact with youth in custody will be trained on the following topics:
 - i. Department zero tolerance policy regarding sexual assault, sexual abuse and sexual harassment;
 - ii. The right of youth, employees, contractors and volunteers to be free from sexual assault, sexual abuse and sexual harassment;
 - iii. The right of youth, employees, contractors and volunteers to be free from retaliation for good faith reporting of suspected or observed instances of sexual assault, sexual abuse and sexual harassment;
 - iv. The dynamics of sexual assault, abuse and harassment in confinement;
 - v. The common reactions of victims of sexual assault, abuse and harassment;

- vi. How to detect and respond to signs of threatened and actual sexual assault, abuse or harassment;
 - vii. How to avoid inappropriate relationships with youth;
 - viii. How to communicate effectively and professionally with youth including lesbian, gay, bisexual, transgender, intersex and gender nonconforming youth; and
 - ix. How to comply with mandatory reporting requirements.
- b. Initial Training, Update and Refresher Training
- i. Initial training: will be completed before the staff member may have unsupervised contact with youth in custody. Training for newly hired or transferring staff will be completed during new employee orientation. Training will be documented by the training coordinator.
 - ii. Refresher Training: Staff will complete refresher training every two years after initial training. Refresher training will review the topics noted above. Training will be documented by the training coordinator.
 - iii. Updates: In the off-year between refresher training, the Department will make available to staff, pertinent updates regarding PREA standards, Department procedures and the topics noted above. These updates may be completed through written outlines, video presentations, unit staff meetings or various other informative methods and will be documented by the individual's supervisor.
- c. Specialized Training: Investigations
- i. Incidents of suspected or observed sexual misconduct involving staff members and/or youth will initially be reported to law enforcement for investigation unless there are no clear indications of a criminal act. It is the responsibility of the law enforcement agency to ensure that assigned investigators are fully trained and qualified to conduct investigations of sexual misconduct or abuse.
 - ii. Probation employees assigned to fact find or investigate suspected sexual misconduct will receive the following training:
 - a) How to conduct investigations of sexual abuse in confinement facilities;

- b) Interviewing techniques for sexual abuse victims;
 - c) Proper use and documentation of Miranda warning; and
 - d) Sexual abuse evidence collection in confinement settings by securing the scene and waiting for law enforcement.
 - iii. The training coordinator will maintain documentation that employees assigned to investigate sexual misconduct received specialized training in conducting sexual abuse investigations.
- d. Specialized Training: Medical and Mental Health
 - i. The Health Administrator and Director of the contracted Mental Health provider for each institution shall ensure that medical and mental health employees who work in probation institutions are trained in:
 - a) How to detect and assess signs of sexual abuse and sexual harassment;
 - b) How to preserve physical evidence of sexual abuse;
 - c) How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - d) How and who to report allegations or suspicions of sexual abuse and sexual harassment.
 - ii. Refresher and update training shall be conducted at intervals consistent with the community standards of care.
 - iii. The Health Administrator and the Director of the contracted Mental Health provider shall maintain and provide the Department documentation that medical and mental health employees received the above training.

2. Contractors and Volunteers

- a. Contractors and volunteers will receive training based on the frequency and proximity of access to youth in the institutional setting. Training may be satisfied by the individual receiving an

informational brochure and briefing that informs the individual of the following:

- i. Department zero tolerance policy regarding sexual assault, sexual abuse and sexual harassment;
 - ii. The right of youth, employees, contractors and volunteers to be free from sexual assault, sexual abuse and sexual harassment;
 - iii. The right of youth, employees, contractors and volunteers to be free from retaliation for good faith reporting of suspected or observed instances of sexual assault, sexual abuse and sexual harassment; and
 - iv. How to comply with mandatory reporting requirements.
- b. Contractors and volunteers will sign an acknowledgement form indicating they have received the informational brochure and briefing regarding the items noted above. Forms for volunteers and contractors housed at the site will be kept in their background files. Forms for periotic contact contractors (water delivery) will be kept at individual institutions.

3. Youth Accessibility and Education:

- a. All youth shall have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include:
 - i. For youth who are deaf or hard of hearing, or are limited English proficient, access to interpreters who can interpret effectively, accurately, and impartially, using any necessary specialized vocabulary.

In custody youth shall not be used as interpreters, readers, or other types of assistants for purposes of this section.
 - ii. Written materials and informational posters will be provided in formats or through methods that ensure effective communication with youth with disabilities, including youth who have intellectual disabilities, limited reading skills, who are blind or have low vision.

During the intake process, youth shall receive information explaining, in age appropriate fashion, the Department's zero tolerance policy

regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

- iii. Within 10 days of intake, the Department shall provide education to youth regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the Department's policies and procedures for reporting such incidents. The education is to be documented in the institutional file.
- iv. Within 48 hours of arrival after a youth is transferred to a different facility, the youth will receive an orientation regarding how the policies and procedures differ from those of the previous facility. The follow-up information to be documented in the institutional file.

G. Responding to suspected or observed incidents of sexual abuse, sexual assault, sexual harassment.

1. Youth Reporting

- a. Youth may report sexual abuse and sexual harassment through a variety of ways such as:
 - i. Through the grievance procedure
 - ii. Mental Health Referrals
 - iii. Medical Referrals
 - iv. Parent contact
 - v. Religious Volunteer
 - vi. Probation Hotline
 - vii. PREA Coordinator or PREA Institution Compliance Liaison
 - viii. Alliance Against Family Violence Rape Crisis Hotline
- b. Youth access to outside support services and legal representation:
 - i. Youth reporting sexual misconduct shall have access to outside victim advocates for emotional support services

related to sexual abuse. The access will be confidential to the greatest extent possible.

- ii. The mailing addresses and toll free hot line numbers, where available, will be clearly posted in institution living units in areas frequented by youth.
 - iii. Youth shall have reasonable and confidential access to their attorneys or other legal representation and to parents and legal guardians.
2. Third-Party Reporting: Each facility, shall list the phone numbers to all Department facilities with instructions on how to report sexual abuse and sexual harassment in an area in which the public has access and on the Department web page.
 3. Confidential Staff Reporting: Employees, volunteers and contractors can privately and confidentially report sexual abuse and sexual harassment by contacting the Department's PREA Coordinator, and facility administrator or the Administrative Division.
 4. All Department employees with child care/supervision responsibilities are mandated reporters regarding incidents of sexual misconduct involving youth under probation supervision. Staff shall accept reports made verbally, in writing, anonymously, and from third-party. All reports received by staff must be acted on immediately.
 5. When any Department staff member has reason to suspect that sexual misconduct is occurring or has occurred, the primary response of the employee will be to immediately intervene to prevent victimization from occurring or continuing to occur.
 - a. Separate the involved parties and move them to a place of safety.
 - b. Notify the supervisor/administrator.
 - c. Coordinate immediate medical and mental health services.
 - d. Secure the scene to preserve evidence by following Department protocols for investigation of sexual assaults.
 - e. Document the incident in a Special Incident Report and other documentation as required.
 6. Referrals of allegations for investigations
 - a. An administrative and/or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment.

- i. The investigation shall be thorough and objective for all allegations, including third-party and anonymous reports.
- ii. The investigation shall not be terminated solely because the source of the allegation recants the allegation.
- iii. Investigations involving employees, contractors or volunteers shall not be terminated solely because the subject of the investigation has terminated employment or association with the Department.
- iv. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as youth or employees.
- v. A youth who alleges sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- vi. A report of sexual misconduct made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- vii. Allegations of sexual misconduct involving potentially criminal behavior involving employees or youth will be referred for investigation to law enforcement and/or the Kern County District Attorney.
- viii. Any allegations of sexual abuse or sexual harassment involving an employee that clearly does not involve potentially criminal behavior will be referred to the PREA Institution Compliance Liaison who may designate a qualified investigator to investigate.
- ix. Allegations of sexual abuse or sexual harassment involving youth on youth behavior that clearly do not involve potentially criminal behavior will be referred to the PREA Institution Compliance Liaison who may designate a qualified investigator to investigate.
- x. Non-criminal allegations referred to the PREA Institution Compliance Liaison will be handled as outlined in the institutional policy and procedure manual.

7. Supervisor/Administrator responsibilities:

- a. Contact law enforcement to initiate a criminal investigation.
- b. Coordinate with law enforcement to initiate a forensic examination of the involved parties as appropriate.
- c. Provide the involved parties with contact information and access to confidentially contact a rape crisis center or other private and confidential crisis assistance.
 - i. Permit access to the involved youth by a victim advocate responding to the youth's request for crisis services.
 - ii. The advocate may be present during the forensic medical examination to provide victim support.
- d. Notify the Chief Probation Officer via the chain of command.
- e. If one of the involved parties is an employee, volunteer or collaborative member, the Supervisor/Administrator will contact Administrative Division for instructions.
- f. Notify the Department PREA Coordinator and forward documentation of the incident for data collection and reporting.
- g. Once an incident has been classified as a PREA incident, notification shall be made to the reporting party's parent or legal guardian. Initial notification shall include basic nature of the investigation; details shall not be provided to protect the integrity of the investigation. The parent or guardian shall be informed of the investigation findings once completed.

8. Forensic Medical Evaluations and Victim Support Services

- a. When medically or evidentiary appropriate, any youth who experiences sexual abuse shall be offered access to forensic medical examination, performed by a qualified medical practitioner, without financial cost to the victim.

The forensic medical examination will be conducted in an appropriate facility and will be coordinated by investigative personnel.

- b. The victim will be provided with access to a victim advocate from a rape crisis center, community-based victim advocacy service or a qualified staff member if an advocate from a rape crisis center or community-based victim advocate service is not available.

If requested by the victim, an advocate will accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

H. Post Incident Disposition and Follow-up

1. Discipline

- a. Employees shall be subject to disciplinary sanctions up to and including termination for violating department sexual abuse or sexual harassment policies.
- b. Any collaborative member, contractor or volunteer who engages in sexual abuse shall be prohibited from contact with youth and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal.
- c. A youth found to have engaged in youth-on-youth sexual abuse may be subject to disciplinary sanctions consistent with disciplinary due process.

2. Access to Medical Care and Mental Health Services

- a. Youth victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services including as medically appropriate:
 - i. Tests for sexually transmitted infections.
 - ii. Sexually transmitted infection prophylaxis.
 - iii. Access to emergency contraception.
 - iv. Pregnancy testing and follow-up services.
- b. Treatment services shall be provided to the victim without financial cost and consistent with the community level of care.
- c. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all youth who have been victimized by sexual abuse including:
 - i. Follow-up services, treatment plans.
 - ii. Referrals for continued care following their placement in other facilities or their release from custody.

- d. The facility shall attempt to conduct a mental health evaluation of all known youth-on-youth abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

I. Protection against Retaliation

1. Any resident or employee who reports sexual abuse or sexual harassment or cooperates with a sexual abuse or harassment investigation shall be protected from retaliation.
2. For at least 90 days following a report of sexual abuse or sexual harassment, the Duty Supervisor shall monitor the treatment or conduct of employees who reported sexual abuse or sexual harassment and of residents who were reported to have suffered sexual abuse or sexual harassment to see if any signs of retaliation exist and to remedy any such retaliation. Items to be monitored include:
 - a. Resident disciplinary reports
 - b. Periodic status checks
 - c. Housing or program changes
 - d. Negative performance reviews or reassignments of staff
3. Monitoring will continue past 90 days if there is a need.
4. If the claim is determined to be unfounded, monitoring shall terminate.

J. Reporting to Youth

Following an investigation into a youth's allegation of sexual misconduct suffered in a Probation Department facility, the youth will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If the Probation Department does not conduct the investigation, all relevant information will be requested to inform the resident.

Following a youth's allegation an employee has committed sexual abuse against the youth, the Probation Department shall subsequently inform the resident (unless the allegation is determined unfounded) whenever:

1. The employee is no longer working in the youth's unit;
2. The employee is no longer employed at the facility.

3. The Probation Department learns the staff member has been indicted/convicted on a charge related to sexual abuse in the facility. Following a youth's allegation, he or she has been sexually abused by another youth in their facility, the Probation Department shall inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented. The Probation Department's obligation to report to the alleged victim terminates if the alleged victim is released from Probation Department custody.

K. Reporting to Other Facilities

Upon receiving an allegation, a youth was sexually abused while confined at another facility, the Division Director receiving the allegation shall, no later than 72 hours from receipt of the complaint, notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred and shall notify the appropriate investigative agency. All notifications shall be documented.

V. **DATA COLLECTION AND REVIEW**

A. Sexual abuse incident review board

1. The PREA Coordinator or designee shall convene a sexual abuse incident review within 30 days of 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. The review team will be composed of the PREA Coordinator or designee, Institutional Director, PREA Institution Compliance Liaison, investigators, and medical or mental health practitioners.
3. 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. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

- c. Assess the adequacy of staffing levels in that area during different shifts.
- d. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- e. Prepare a report of its findings, and any recommendations for improvement and submit such report to the Chief Probation Officer.

The PREA Institution Compliance Liaison where the incident occurred shall retain copies of the report and action plan for follow-up and statistical reporting purposes.

- 4. Within 90-days, the facility shall implement the recommendations of the review board or document its reasons for not doing so.

B. Data Collection, Review, Action Planning and Reporting

- 1. The PREA Coordinator will review incident-based data for every allegation of sexual abuse at Department facilities.
 - a. Incident-based sexual abuse data will be aggregated annually and include:
 - i. The data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice;
 - ii. Identification of problem areas;
 - iii. Corrective action taken to address problem areas; and
 - iv. Data from all available incident-based documents, reports, investigation files, and sexual abuse incident reviews.
- 2. The PREA Coordinator will prepare an annual report to the Chief Probation Officer of findings and corrective actions for each facility, as well as the Department as a whole.
 - a. The report shall be approved by the Chief Probation Officer and made available to the public through the Department's public website.
 - b. The report will include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Department's progress in addressing sexual abuse.

- c. The PREA Liaison Officer from each facility and the PREA Coordinator shall assess and determine;
 - i. Prevailing staffing patterns
 - ii. Ensure staffing patterns provide adequate supervision
 - iii. Facility's deployment of video monitoring and other monitoring technologies
 - iv. Resources available to commit to ensure adherence to the staffing plan
 - v. Policy and practice of unannounced rounds by intermediate-level supervisors to identify and deter sexual abuse and harassment. The facility shall have policy and practice to prohibit employees from alerting each other the rounds are occurring, unless the announcement is related to facility operations.