

# ATLANTIC YOUTH CENTER STANDARD OPERATING PROCEDURE

CHAPTER Physical Care; PROCEDURE NO. 5.14

SUBJECT POLICY: PRISON RAPE ELIMINATION ACT

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## PART I. GENERAL PROVISIONS

### Section 1.1 Purpose and Supersession

(a) The purpose of this Policy is to ensure that Atlantic Youth Center (AYC) operations conform to its zero tolerance toward all forms of sexual abuse and sexual harassment involving juveniles in AYC, and that they are in compliance with the Federal Prison Rape Elimination Act (PREA) of 2003 (42 U.S.C. Section 15601, et seq.), and with federal regulations establishing PREA standards for juvenile facilities, 28 C.F.R. Part 115, Subpart D.

(b) Should this Policy be in conflict with any other AYC Policy, Management Procedure or other sub-rule source of authority, the terms of this Policy shall govern.

### Section 1.2 Definitions

The following words and terms, when used in this Policy, shall have the meanings set forth below unless the context clearly indicates otherwise:

**"AYC"** means the Atlantic Youth Center;

**"Commission"** means the New Jersey Juvenile Justice Commission, established pursuant to N.J.S.A. 52:17B-170.

**"Contractor"** means an entity retained by Atlantic County to perform professional or trade services at AYC, and includes employees, subcontractors, agents and assigns of a contractor.

**"Department of Children and Families"** means the New Jersey Department of Children and Families.

**"Director of Investigations"** means the Commission staff member, by whatever name or title, charged with responsibility for the overall operation and supervision of the Office of Investigations.

**"Director of Operations"** means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission's secure facilities.

**"Executive Director"** means the Executive Director of the Commission.

**"Facility"** means AYC.

**"Facility PREA Investigation"** or **"FPI"** means an investigation of a PREA incident originating at AYC which is deemed by the Director of Investigations not to involve possible sexual abuse, and which therefore is investigated by trained facility or program Commission personnel.

**"Gay"** means a person who is emotionally, spiritually, physically, and/or sexually attracted to those of the same gender.

**"Gender expression"** means the manner in which a person expresses his or her gender identity to others; a combination of behavior, hairstyles, voice, body characteristics, or other gender-related behaviors.

**"Gender identity"** means a person's internal, deeply felt sense of being male or female, or in between, regardless of the person's sex at birth.

**"Gender nonconforming"** means a juvenile whose appearance or manner does not conform to traditional societal gender expectations.

**"Intern"** means an unpaid staff person working at AYC incidental to a formal diploma or degree program.

**"Intersex"** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

**"Juvenile"** means:

1. Persons who have been adjudicated delinquent and who are awaiting dispositional placement; and

2. Persons who have been charged with a juvenile offense that is pending disposition.

**"Lesbian"** means a person who identifies as a woman and is emotionally, spiritually, physically, and/or sexually attracted primarily to members of the same gender.

**"LGBTQI"** means lesbian, gay, bisexual, transgender, questioning and intersex individuals, including individuals who have self-identified or are perceived by others as LGBTQI.

**"Office of Investigations"** means the unit within the Commission responsible for conducting internal investigations, including internal investigations relative to AYC.

**“Ombudsman”** means the Commission staff member, by whatever name or title, who heads up the office responsible for resolving complaints made by juveniles about AYC, the action or inaction of staff or any other matter of concern to the juvenile.

**“PREA Compliance Manager”** means the AYC staff member designated as a PREA Compliance Manager under the provisions of Section 1.5.

**“PREA Coordinator”** means the Commission staff member designated as the PREA Coordinator under the provisions of Section 1.5.

**“Probationer”** means a juvenile who has been placed on probation by a court and who is residing in or assigned to a Community Program.

**“Qualified Health Care Professional”** means an employee or contractor of either AYC, Atlantic County or of the State of New Jersey who is a physician, advanced practice nurse, nurse, dentist, dental assistant, and any other professional who by virtue of education, credentials, and experience is permitted by law to evaluate and care for juveniles.

**“Qualified Mental Health Care Professional”** means an employee or contractor of either AYC, Atlantic County or of the State of New Jersey who is a licensed psychiatrist or psychologist, or other professional who by virtue of education, credentials, and experience in the provision of mental health assessment and counseling procedures is permitted by law to assess and counsel juveniles.

**“Questioning”** means a person, often an adolescent, who is exploring or unsure about issues of sexual orientation or gender identity or expression in his or her life.

**“Request and Remedy Process”** means the grievance process then in effect, as set forth under N.J.A.C. 13:90-1A.

**“Sexual abuse”** means both:

1. Sexual abuse of a juvenile by another juvenile; and
2. Sexual abuse of a juvenile by a staff member, contractor, or volunteer.

**“Sexual abuse of a juvenile by another juvenile”** means 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:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;

3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

4. 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.

**“Sexual abuse of a juvenile by a staff member, contractor, or volunteer”** means any of the following acts, with or without consent of the juvenile:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

2. Contact between the mouth and the penis, vulva, or anus;

3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

4. 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

5. 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile, detainee, or resident, and

8. Voyeurism.

**“Sexual harassment”** means both:

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 juvenile, detainee, or resident directed toward another; and

2. Repeated verbal comments or gestures of a sexual nature to a juvenile, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**“Sexual orientation”** means the internal experience that determines whether we are physically and emotionally attracted to men, women, both, or neither (asexual).

**“Shift Supervisor”** means the staff person, by whatever name or title, with lead responsibility for overseeing operations during a tour of duty at AYC.

**“Staff member”** means

1. Any person employed by the State of New Jersey and assigned to AYC, and includes full-time employees, part-time employees, per diem employees, and interns; and
2. Employees of the County who are assigned to work at AYC.

**“Superintendent”** means the chief executive officer of AYC.

**“Transgender”** means a person whose gender identity, expression, or behavior is different from that typically associated with their sex assigned at birth.

**“Volunteer”** means an unpaid volunteer performing service under the auspices of the Commission’s Chaplaincy Services Unit.

**“Voyeurism”** means an invasion of privacy for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet in his or her cell to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile’s naked body or of a juvenile performing bodily functions.

### Section 1.3 Suspected Child Abuse Report

The Suspected Child Abuse Report shall be reproduced by the Facility from originals that are made available through the Office of the Director of Operations.

### Section 1.4 Confidentiality

(a) Records and statements in the possession of AYC relating to juveniles, including all records relevant to allegations of sexual abuse and sexual harassment, are covered by the confidentiality provisions of N.J.S.A. 2A:4A-60, 60.2, and 60.3 may be reviewed when necessary and appropriate in the course of business. However, at no time shall this permitted use of such records and statements release or exempt them from the confidentiality provisions of this section.

(b) All records pertaining to juveniles charged as a delinquent, adjudicated delinquent, or found to be part of a juvenile-family crisis, including records relating to the suicide or suicide attempt of a juvenile, are confidential. All such records:

1. Shall be strictly safeguarded from public access;
2. Shall not be released, except when release is authorized under the provisions of N.J.S.A. 2A:4A-60; and
3. Shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(c) Unless otherwise required by law, statements made by a juvenile in the course of any suicide prevention or mental health screening, and any reports or records created to report the results of such screening shall not be:

1. Disclosed to any party, including prosecutors and law enforcement personnel; and
2. Used in any investigation, or in any delinquency or criminal proceeding then pending or subsequently initiated. (See N.J.S.A. 2A:4A-60.2)

(d) No report or record relating to mental health services provided to a juvenile prior to an adjudication of delinquency, or any other finding of guilt, shall be disclosed or released to a court unless and until after such an adjudication or finding occurs. (See N.J.S.A. 2A:4A-60.3)

(e) A Qualified Health Care Professional and a Qualified Mental Health Care Professional shall obtain informed consent from a juvenile who is 18 years of age or older before reporting information about prior sexual victimization that did not occur in an institutional setting.

(f) Information about prior sexual victimization for a juvenile less than 18 years of age is subject to the reporting requirements set forth in Section 4.1(a).

(g) Staff shall not disclose a juvenile's sexual orientation or identity as a transgender individual to other juveniles or to outside individuals or agencies, including health care or social service providers or to a juvenile's family or friends, without the juvenile's consent, unless such disclosure is necessary to comply with state or federal law.

1. Staff may communicate information within the Commission about a juvenile's LGBTQI status only when relevant and necessary for treatment, case planning and finding effective services for the juvenile or other juveniles.

2. Any disclosure of confidential information related to a juvenile's LGBTQI status shall be limited to information necessary to achieve a specific beneficial purpose and shall be communicated only to the individuals necessary to achieve that purpose.

3. Staff shall not inquire of a juvenile as to his or her LGBTQI status, unless such information is necessary for treatment, case planning and finding effective services for the juvenile or other juveniles.

4. Nothing herein shall prevent staff from discussing a juvenile's needs or services with other staff when necessary and appropriate in the course of business or resolving a juvenile grievance under the Request and Remedy Process.

Section 1.5 PREA coordinator; PREA compliance manager

(a) The PREA Coordinator is responsible for overseeing implementation and management of policies implementing PREA in facilities operated or managed by the Commission.

(b) The Superintendent shall appoint a Compliance Manager, with sufficient time and authority to coordinate the AYC's efforts to comply with this Policy.

**PART 2. SCREENING, ORIENTATION AND TRAINING,  
HIRING AND PROMOTION AND  
SELECTION OF CONTRACTORS**

Section 2.1 Screening and classification

(a) As part of the detailed social history and medical/dental examination undertaken at reception, under the provisions of N.J.A.C. 13:100-2.1(e), but in any event within 72 hours of initial intake and, in addition, within 72 hours of each transfer to a facility, and periodically thereafter, information shall be obtained and reviewed about a juvenile's personal history and behavior necessary and appropriate to identifying and reducing the risk of sexual abuse by or upon a juvenile.

1. Such information shall be obtained and assessed using an objective screening instrument.

2. At a minimum, the agency shall attempt to ascertain information about:

- i. Prior sexual victimization or abusiveness;
- ii. Any gender nonconforming appearance or manner, or identification as LGBTQI, and whether the resident may therefore be vulnerable to sexual abuse.
- iii. Current charges and offense history;
- iv. Age;
- v. Level of emotional and cognitive development;

- vi. Physical size and stature;
- vii. Mental illness or mental disabilities;
- viii. Intellectual or developmental disabilities;
- ix. Physical disabilities;
- x. The juvenile's own perception of vulnerability; and
- xi. Any other specific information about individual juveniles that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

3. If there is an indication that a juvenile has either experienced prior sexual victimization, or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the juvenile shall be offered a follow-up meeting with a Qualified Mental Health Care Professional within 14 days of the intake screening.

- i. If a Qualified Mental Health Care Professional is not available, a Qualified Medical Professional may be substituted in the case of a juvenile who has experienced prior sexual victimization.

(b) When gender has been determined, that determination shall govern the housing of the juvenile. Otherwise, in deciding whether to assign a transgender or intersex juvenile to male or female housing, and in making other assignments, AYC shall consider on a case-by-case basis whether a placement would ensure the juvenile's health and safety, and whether the placement would present a threat to the safety of the juvenile, any other juveniles, or to the secure operation of the facility.

1. Classification decisions with respect to education and groups shall at no time be made solely on the basis of LGBTQI or gender nonconforming status or identification.

(c) Upon receiving an allegation that a juvenile was sexually abused or sexually harassed while confined at another facility, the procedures set forth in Section 4.1(a) shall be followed.

(d) Should a Qualified Mental Health Care Professional or other screener identify a juvenile as requiring special attention or housing considerations, that information shall be immediately forwarded to the Superintendent, and will be considered in any determination as to the need for special treatment.

1. A notation in the classification log, together with a written plan of action when necessary, shall be made for any juvenile identified as either posing an identified risk for sexually aggressive behavior, or having an identified vulnerability to sexual victimization.



Section 2.2 Juvenile orientation

(a) At the time of the screening under Section 2.1, above, juveniles shall receive information explaining, in an age appropriate fashion, AYC's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment as provided for in Section 4.1 below.

(b) Juvenile orientation shall be given within 10 days of admission to the Facility, and shall provide comprehensive age appropriate education to residents either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. Topics covered shall include:

1. AYC's zero tolerance toward all forms of sexual abuse and sexual harassment involving juveniles in its facilities;
2. Acceptable and appropriate behaviors for themselves and other juveniles, as well as staff;
3. Reporting procedures available under this Policy to a juvenile who either becomes a victim of, or witnesses sexual abuse or sexual harassment;
4. Their rights under the Request and Remedy Process;
5. Procedures for direct access to the Commission's Ombudsman; and

(c) Resident Handbooks shall include material clearly describing all material rights, privileges, services, programs, and obligations of juveniles under the Prison Rape Elimination Act and this Policy.

1. Orientation materials shall be available in Spanish, and all Commission material available to Juveniles, including provisions of this Policy, shall be translated as needed in order to ensure effective communication with Juveniles who are not fluent in English.

- i. At no time may a Juvenile be used to provide translation services.

Section 2.3 Training

The Superintendent shall coordinate with the Director of Operations, in consultation with the Commission's Supervisor of Rehabilitative and Treatment Services and the Commission's Director of Training, so as to ensure that the comprehensive curriculum of initial and two-year

refresher PREA training provided to Commission staff members who may come into contact with juveniles, is made available and delivered to all applicable AYC Staff.

Section 2.4 Hiring and Promotion; Selection of Contractors

(a) AYC shall not hire or promote anyone who may have contact with juveniles, and shall not enlist the services of any contractor who may have contact with juveniles, who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

2. 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

3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

(b) Incidents of sexual harassment shall be considered in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

**PART 3. SEARCHES, SEGREGATION AND SPOT INSPECTIONS**

Section 3.1 Cross gender search restrictions, transgender and intersex searches

(a) Both cross gender searches and cross gender viewing of undressed juveniles are prohibited, except in an emergency situation, when ordered by the Superintendent or Assistant Superintendent.

(b) All pat down and strip searches shall conform to the requirements of AYC Policy 3.06, Pat and Strip Search.

(c) A transgender or intersex juvenile shall not be searched or physically examined for the sole purpose of determining the juvenile's genital status.

1. If the juvenile's genital status is unknown, it may be determined during conversations with the juvenile, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.



- i. The staff member who first receives the allegation of, or witnessed, an act of sexual abuse involving a juvenile under the age of 18 is required to contact the DCPD Abuse Hotline, as set forth in these protocols.
2. "Reasonable cause to believe" as it relates to Commission Facilities are deemed to exist in any of the following circumstances:
  - i. A juvenile directly makes an allegation involving himself/herself and either a staff member or another juvenile.
  - ii. A juvenile or a staff member makes an allegation regarding an event he/she has witnessed involving either a staff member or another juvenile.
  - iii. A juvenile directly makes an allegation involving himself/herself, which occurred prior to entering a Commission facility.
3. Reporting protocols for AYC Staff are as follows:
  - i. Upon receiving an allegation of, or witnessing an act of sexual abuse or sexual harassment, the staff member shall contact the Shift Supervisor and the Superintendent or designee.
  - ii. The Shift Supervisor shall report the allegation to the Office of Investigations, and shall present to the reporting staff member with:
    - a. A juvenile face sheet; and
    - b. If an alleged victim of sexual abuse is under the age of 18, a Suspected Child Abuse Report.
  - iii. Both day and off-hours on-call telephone numbers of the Office of Investigations shall be posted prominently in staff areas of each secure facility.
  - iv. If an alleged victim of sexual abuse is under the age of 18, the reporting staff member shall call the DCPD Abuse Hotline in the presence of the Shift Supervisor.
    - a. At the completion of the call to the DCPD Abuse Hotline, the reporting staff member shall complete the Suspected Child Abuse Report, which shall be witnessed by the Shift Supervisor.
    - b. The Shift Supervisor shall retain and file the Suspected Child Abuse Report.
4. The reporting protocols set forth above shall be used upon a staff member receiving an allegation that a juvenile was abused while confined at either another facility or office.

i. Within 72 hours of receiving a report of abuse at another facility the Director of Investigations or designee shall report the allegation to the other facility.

5. Any report made under this section must contain information as to the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that would be helpful with respect to the alleged abuse and the identity of the perpetrator.

(b) A juvenile may report an incident of sexual abuse or sexual harassment in any one or more of the following ways:

1. Verbally or in writing to any staff member;
2. By telephone to either or both DCPD and an outside sexual abuse hotline, confidential access to which shall be provided by AYC;
3. By telephone or written correspondence to the Commission's Ombudsman; and
4. In writing, utilizing the Request and Remedy Process.

(c) Juveniles requiring assistance to file a report may request assistance from the Commission's Ombudsman, a third-party, including another juvenile, a Staff member, family members, their attorney, or an outside advocate. When staff assistance is requested the Superintendent or designee shall appoint an appropriate staff member.

(d) The parents or guardian of a juvenile who has not yet reached the age of 18 may report an incident of sexual abuse or sexual harassment in any one or more of the ways set forth in (b), above.

(e) Third parties, including other juveniles, staff members, family members, attorneys, and outside advocates, may assist juveniles in filling out PREA Complaint Forms

1. A report of sexual abuse or harassment against a juvenile who is 18 years of age or older may be made directly to AYC by any third-party, provided that the juvenile has consented to the making of the report. AYC will not process any such report by a third-party unless the consent requirement has been satisfied.

i. If the juvenile's consent is not given, that fact shall be fully documented.

2. In addition, with respect to a juvenile who is under the age of 18, his or her parent or guardian may report an incident of sexual abuse or sexual harassment on the juvenile's behalf without the juvenile's consent.

Section 4.2            Notifications to Attorney of Record and to Parents or Guardian

(a) Within 14 days of receiving an allegation of sexual abuse, the Superintendent or designee shall report the allegation to the juvenile's attorney of record.

(b) In addition, if a juvenile is under the age of 18 upon receiving an allegation of sexual abuse, the Superintendent or designee shall promptly report the allegation to the alleged victim's parents or legal guardians, unless official documentation is in the Juvenile's classification file showing the parents or legal guardians should not be notified.

1. If the alleged victim is under the guardianship of DCCP, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

Section 4.3            Allegation that a juvenile is at substantial risk  
of imminent sexual abuse; immediate corrective action

(a) Whenever it appears that a juvenile may be at substantial risk of imminent sexual abuse, the Superintendent, designee, or highest ranking staff member on duty shall take immediate action to protect the juvenile, and shall then immediately report the matter to the Director of Operations.

(b) A juvenile may report an allegation that a juvenile is subject to a substantial risk of imminent sexual abuse to the Commission's Ombudsman, either by telephone or through the Request and Remedy Process.

(c) Upon receiving a report that a juvenile may be at substantial risk of imminent sexual abuse, the Director of Operations or designee shall order such corrective actions as he or she deems necessary and appropriate.

(d) All allegations and determinations with respect to a juvenile who may be in substantial risk of imminent sexual abuse and responsive actions taken shall be fully documented.

Section 4.4            Respect and language

(a) Staff, volunteers and contractors shall at all times use language and terminology that is respectful of, and that does not further stereotype LGBTQI people, and shall not refer to a juvenile by using language that conveys bias or hostility against LGBTQI people.

(b) Staff, volunteers and contractors shall not imply to or tell LGBTQI juveniles that they are abnormal, deviant or sinful based on their sexual orientation, gender identity, or gender

expression, or that they can or should change their sexual orientation, gender identity, or gender expression.

(c) Each juvenile may select a preferred name and pronoun to be used at the facility that reflects his or her gender identity, even if his or her name has not been legally changed, provided that any such selection shall be in writing, and shall include information indicating whether the juvenile wants the preferred name and pronoun shared with anyone outside of the facility.

1. Nothing herein shall be construed to require the use of any alias or name other than a juvenile's legal name in classification and other official Commission records.

Section 4.5 Shower and bathroom privacy

The Superintendent or designee shall insure that, upon request, a transgender or intersex juvenile shall be afforded privacy when using the shower and bathroom.

**PART 5. COORDINATED RESPONSE;  
SEXUAL ABUSE ALLEGATION**

Section 5.1 Initial report of allegation

An allegation that a juvenile has been subjected to sexual abuse shall be reported in accordance with the protocol set forth in Section 4.1, above.

Section 5.2 First responder, medical responses; victim advocate

(a) Consistent with the reporting protocol, first responders to an allegation of sexual abuse shall immediately take steps to:

1. Ensure that the victim is kept safe and separated from the alleged abuser;
2. Secure the incident area and treat it as a crime scene until arrival of officers from the Office of Investigations; and
3. If the alleged incident occurred within the past five days, ensure that neither the juvenile victim nor the alleged abuser takes any action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating until after evidence collection.

(b) Staff are prohibited from requiring or encouraging a juvenile to use any informal process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse or sexual harassment.

(c) In accordance with AYC procedures, multiple protection measures shall be employed, such as housing changes or transfers for juvenile victims or abusers, removal of alleged staff or juvenile abusers from contact with victims, and emotional support services for juveniles or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

(e) Medical and mental health treatment if within 5 days of an alleged incident.

1. On-site medical and mental health treatment for sexual assault victims shall be limited to emergency measures for physical injuries if applicable and emotional stability of the juvenile without interfering with evidence collection. Facility staff shall document all actions taken in an incident report form and the electronic medical record (EMR).

2. As soon as possible, the victim shall be taken for a medical examination to an outside facility, which is on an approved list maintained by the Executive Director or designee, having on staff and available licensed Sexual Assault Forensic Examiners (SAFEs) and/or Sexual Assault Nurse Examiners (SANEs).

3. Upon return to a Commission facility, a Qualified Health Care Professional shall ensure immediate review of all medical reports prepared by a SAFE or SANE for both the alleged victim and perpetrator when applicable for appropriate referrals and follow-up.

4. Alleged victims and perpetrators shall be referred to mental health services to be seen for evaluation and follow-up services as needed as soon as possible, but in any event not later than within 24 hours.

(f) Medical Treatment if not within 5 days of an alleged incident:

1. Upon notification of an alleged sexual assault of a juvenile, on-site nursing assessment for possible medical issues shall occur with a referral made to medical facilities for needed treatment and follow-up care. Referrals for outside treatment shall be made when necessary or appropriate in view of the juvenile's medical condition. Requests from DCPD or the Office of Investigations to send the juvenile to the local emergency room for examination and evidence collection shall be accommodated.

2. Ensure follow-up on any medical orders, including testing for HIV and sexually transmitted diseases by consent or court order.



(g) Either applicable mental health services unit or an Operating Agent, as applicable, shall:

1. See the juvenile victim as soon as possible, but in any event within 24 hours, for assessment and crisis intervention as appropriate;
2. In consultation with a Qualified Mental Health Care Professional, assess the need for follow-up counseling for the alleged victim; and
3. Designate a victim advocate for the alleged victim.

(h) For at least 90 days following a report of sexual abuse, the Superintendent shall direct on-going monitoring of conduct and treatment of juveniles and staff who reported the sexual abuse, and of juveniles who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by juveniles or staff, and shall act promptly to remedy any such retaliation.

1. Monitoring shall include periodic status checks of affected juveniles, as well as continuing reviews of disciplinary reports, housing and program changes, negative assessments, and reassignments of staff.

2. Such monitoring shall continue for as long as is necessary beyond 90 days if the initial monitoring indicates a continuing need.

3. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

4. The obligation to monitor shall terminate if the Office of Investigations determines that underlying allegations are unfounded.

## **PART 6. INVESTIGATION PROCEDURES**

### **Section 6.1 Report to Office of Investigations**

(a) Upon learning of an alleged incident of sexual abuse or sexual harassment against a juvenile the Superintendent or designee shall immediately report the allegation to the Office of Investigations by telephone.

(b) Investigations of PREA incidents, both those conducted directly by the Office of Investigations and those delegated by that Office for investigation as Facility PREA

Investigations, shall be carried out under the provisions of PART 5A of Commission Policy ED.01.02, Prison Rape Elimination Act (PREA), as last revised.

## **PART 7. NOTIFICATIONS**

### **Section 7.1 Notification of juvenile**

Upon receipt of the findings, as provided for in **Section** 16.5(d) of Commission Policy ED.01.02, Prison Rape Elimination Act (PREA), the Executive Director or designee shall promptly inform the Superintendent and the juvenile whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

### **Section 7.2 Notification; outside entity investigation.**

If an investigation was undertaken by an outside entity, the Director of Investigations shall request that the outside entity forward to the Executive Director or designee, and to the Superintendent or designee documentation sufficient to notify the juvenile that the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

### **Section 7.3 Notification of related occurrences**

(a) Following a juvenile's allegation that an AYC staff member has committed sexual abuse against the juvenile, and unless an investigation has determined that the allegation is unfounded, the juvenile shall subsequently be informed by the Superintendent or designee, whenever:

1. The staff member is no longer posted within the juvenile's housing unit;
2. The staff member is no longer employed at AYC;
3. AYC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
4. AYC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

(b) Following a juvenile's allegation that he or she has been sexually abused by another juvenile, the alleged victim shall subsequently be informed by the Superintendent or designee, whenever:

1. AYC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

2. AYC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

(c) All such notifications or attempted notifications shall be documented.

(d) AYC's obligation to report under this section shall terminate when the juvenile to be informed is released from AYC custody.

## **PART 8. NO RETALIATION; DISCIPLINE FOR VIOLATION**

### **Section 8.1 No retaliation**

At no time shall a Juvenile, staff member or other person be subject to any coercion, discipline or other retaliation, reprisal, or retribution as a result of his or her filing either a report of alleged sexual abuse or sexual harassment.

### **Section 8.2 Enforcement and discipline for violation**

(a) The PREA Coordinator is responsible for enforcement of, and compliance with this Policy.

(b) In accordance with AYC's zero tolerance toward all forms of sexual abuse and sexual harassment involving juveniles, incidents of such sexual abuse and sexual harassment will be disciplined strictly.

1. Dismissal will be the presumptive disciplinary sanction for any staff member who engages in sexual abuse or sexual harassment against a juvenile.

i. A staff member who is terminated for such sexual abuse or sexual harassment, or who resigns in lieu of termination for sexual abuse or sexual harassment, shall be reported to law enforcement agencies, unless the activity was clearly not criminal and shall be reported to any relevant licensing bodies.

2. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with juveniles and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

(c) Violations of this Policy not involving sexual abuse or sexual harassment will be enforced in the same manner as other AYC policies. Violation may result in formal discipline, up to and including dismissal.

(d) AYC shall take such other protective and remedial measures as it deems appropriate, including prohibiting further contact with juveniles, in the case of a violation of this Policy by an intern, contractor or volunteer not involving sexual abuse or sexual harassment.

**PART 9. DATA COLLECTION AND REVIEW**

Section 9.1 Sexual abuse incident reviews, data collection, review, storage, publication and destruction

Sexual abuse incident reviews, and procedures related to data collection, review, storage, publication and destruction, shall be administered by the Commission under the provisions of PART 7 of Commission Policy ED.01.02, *Prison Rape Elimination Act (PREA)*, as last revised.

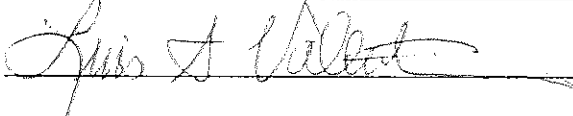
**OFFICIAL SIGNATURES ON FILE IN AYC'S ADMINISTRATIVE OFFICES**

**APPROVED BY:**

Name: Kimery Lewis Title: Superintendent

Signature:  Date: 1/8/2016

Name: Luis Valentin Title: JJC PREA Coordinator

Signature:  Date: 1-8-2016

Name: Felix Mickens Title: JJC Deputy Executive, Director, Operations

Signature:  Date: 1/8/16