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|  | <b>MINNIE ROGERS<br/>JUVENILE JUSTICE CENTER</b><br><br><b>FACILITY OPERATING<br/>PROCEDURE</b> | <b>RELATED STANDARDS AND LAWS</b>                                                                                                                                                                                                                                                                                                                 |                 |
|                                                                                   |                                                                                                 | <b>115.311(a); 115.311(b); 115.321(c);<br/>115.321(d); 115.321(e); 115.321(h);<br/>115.353(a); 115.353(b); 115.376(a);<br/>115.376(b); 115.376(c); 115.376(d);<br/>115.377(a); 115.378(d); 115.382(a);<br/>115.382(b); 115.382(c); 115.382(d);<br/>115.383(a); 115.383(b); 115.383(c);<br/>115.383(d); 115.383(e); 115.383(f);<br/>115.383(g)</b> |                 |
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|                                                                                   |                                                                                                 | <b>PAGE</b>                                                                                                                                                                                                                                                                                                                                       | <b>OF</b>       |
| <b>CHAPTER</b><br>Juvenile Rights                                                 |                                                                                                 | <b>SUBJECT</b><br>Sexual Abuse & Mistreatment                                                                                                                                                                                                                                                                                                     |                 |

### Policy 12.5

The Jefferson County Juvenile Probation Department has zero tolerance for any form of sexual misconduct, abuse or sexual harassment of juveniles under its jurisdiction. This policy establishes prohibited conduct and behaviors that are broader than those established by statute as violations of law. This policy sets forth standards for reporting and investigating alleged sexual abuse and sexual harassment of juveniles under the jurisdiction of the department.

#### GENERAL RULES

It is the rule of the department to ensure that any form of sexual activity between youth or between youth and staff/volunteers/contract employees, regardless of consensual status, is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution.

Juveniles under jurisdiction and supervision of the department cannot give consent to engage in behavior defined as sexual abuse under this policy, regardless of the youth's age. However, the department deems such activity amongst juvenile detainees to constitute sexual abuse only if it determines that the activity is coerced.

The Chief Probation Officer and Detention Superintendent are responsible for the implementation and enforcement of this rule in the department.

The Detention Superintendent is the department-wide PREA Coordinator that will have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in its facility.

## DEFINITIONS

**Sexual Abuse** - Includes sexually abusive contact, sexually abusive penetration, indecent exposure, voyeurism, and sexual harassment, as defined below.

- **Sexually Abusive Contact** - touching without penetration of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through clothing, of another person.
- **Sexually Abusive Penetration** - contact between the penis and the vulva or the penis and anus; contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
- **Indecent Exposure** - the display by a staff member of his/her genitalia, buttocks, or breast in the presence of a juvenile.
- **Voyeurism** - an invasion of a juvenile's privacy by a staff member unrelated to official duties, such as peering at a juvenile who is showering or undressing in their cell or requiring a juvenile to expose themselves for reasons unrelated to official duties.
- **Sexual Harassment** – repeated verbal statements, comments, or behaviors of a sexual nature to a youth by any individual including threats, extortion, bribery, demeaning references to gender, derogatory comments about body or clothing, or profane or obscene language, gestures, or written comments.

## DETECTING SEXUAL ABUSE AND SEXUAL HARASSMENT

The department shall use all means to detect sexual abuse and sexual harassment through use of cameras, signage, and use of abuse hotline, outcry to staff, grievances, inspections and investigating suspicious behaviors.

## REPORTING OF SEXUAL ABUSE AND SEXUAL HARASSMENT

Any department employee, volunteer, or contractor who has cause to believe that a juvenile in any program or facility under the department's jurisdiction has been or may be subjected to an act or threat of sexual abuse and sexual harassment or receives a report of sexual abuse or possible sexual abuse and sexual harassment, whether verbally or in writing, anonymously, and from third parties must immediately notify the proper authorities in accordance with departmental policy, Texas Juvenile Justice Department Standards (TJJD) and state law. All verbal reports must be promptly documented. In regards to PREA Standard 115.351 (b), Minnie Rogers Juvenile Justice Center does not detain juveniles solely for civil immigration purposes.

Any juvenile staff or person advocating on behalf of a juvenile may privately report sexual abuse, sexual harassment and retaliation (by other juveniles or staff for reporting sexual abuse and sexual harassment) by the following options:

- the TJJJD 24-hour hotline; (located in the library; this allows juveniles to remain anonymous);
- any departmental staff member or supervisory staff, or
- any law enforcement agency.
- Written report through grievance process (See Policy 12.4)

Juveniles shall not be imposed a time limit on when they may submit a grievance regarding an allegation of sexual abuse. The department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse. The department shall not require a juvenile to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

The department shall ensure that a juvenile who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint.

The department may discipline a juvenile for filing a grievance related to alleged sexual abuse only where the department demonstrates that the juvenile filed the grievance in bad faith.

An emergency grievance can be reported through the same methods outlined above in this policy. In the event an emergency grievance is filed alleging that a juvenile is subject to substantial risk of imminent sexual abuse, the grievance will immediately be forwarded to the Superintendent or designee. Immediate corrective action will be taken to protect the juvenile. The Superintendent or designee will issue an initial response to the grievance within 48 hours and shall issue a final department decision within 5 calendar days. The initial and final response shall document the department's decision regarding whether the juvenile is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

Third parties, including fellow juveniles, staff members, family members, attorneys, and outside advocates, shall be permitted to assist juveniles in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of juveniles. If a third party, other than a parent or legal guardian, files such a request on behalf of a juvenile, the department may require as a condition for processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

If the juvenile declines to have the request processed on his or her behalf, the department shall document the juvenile's decision. A parent or legal guardian of a juvenile shall be allowed to file a report regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a report shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

Any grievance or allegation made in regards to sexual abuse, sexual harassment and/or substantial risk of imminent sexual abuse will initiate an internal investigation (see Policy 15.12).

After receiving an emergency report alleging a juvenile is subject to a substantial risk of imminent sexual abuse, the department shall immediately forward the report (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final departmental decision within 5 calendar days. The initial response and final departmental decision shall document the department's determination whether the juvenile is in substantial risk of imminent sexual abuse and the action taken in response to the emergency report.

The department shall take reasonable steps to ensure meaningful access to all aspects of the department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to juveniles who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

The department shall not rely on juvenile interpreters, juvenile readers, or other types of juvenile assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the juvenile's safety, the performance of first-response duties or the investigation of the juvenile's allegations.

Apart from reporting to designated Supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in departmental policy, to make treatment, investigation, and other security and management decisions.

MRJJC staff are required to report immediately and according to departmental policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the department, retaliation against juveniles or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All MRJJC staff are required to comply with any applicable mandatory child abuse reporting laws.

Medical and mental health practitioners are required to report sexual abuse to designated supervisors and officials pursuant to this section, as well as to the designated State or local services agency where required by mandatory reporting laws.

Retaliation against any juvenile or employee who reports or assists in the investigation of alleged sexual abuse and sexual harassment is strictly prohibited and is grounds for disciplinary action up to and including termination of employment. Protective measures shall be considered such as reclassification or transfers for juvenile victims or abusers (See policy 16.2), 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 investigation, to ensure that retaliation does not occur.

The Detention Superintendent or designee shall monitor the conduct or treatment of juveniles or staff who reported the sexual abuse and of juveniles who were reported to have suffered sexual abuse for at least 90 days, to determine if there are changes that may suggest possible retaliation by juveniles or staff. Immediate action shall be taken to remedy any retaliation. Juvenile disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff and visual observation shall be used to determine if any retaliation has occurred. If the department's investigation has determined that the abuse is unfounded, the monitor shall be terminated.

Monitoring beyond 90 days shall continue if the initial monitoring indicates a continuing need.

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

## **ACTIONS TAKEN IN RESPONSE TO ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARRASSMENT**

MRJJC will follow a uniform evidence protocol when responding to allegations of sexual abuse. The evidence protocol must be developmentally appropriate for youth. The Detention Superintendent, in consultation with the appropriate law enforcement agency, will take the following actions immediately upon receipt of the report:

- notify the victim's parents or guardian of the report; If the juvenile is under the custody of CPS, the report shall be made to the caseworker.
- take immediate steps to protect the victim by ensuring that the alleged victim and alleged perpetrator are physically separated pending an investigation, which may include, but is not limited to:
  - dorm transfer or
  - other placement within the facility.
- preserve evidence that may be pertinent to an investigation of the matter.

- report the allegation to the TJJD.

If the juvenile court retains jurisdiction over the alleged victim, the Detention Superintendent or designee shall report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

A report will be made by the Superintendent or designee to confirm the separation of the victim from the alleged perpetrator. The Detention Superintendent or designee will immediately provide for the juvenile's physical safety and ensure that the juvenile is promptly referred to health care staff and/or the Mental Health Provider (MHP) for examination and treatment. Such practitioners shall be required to inform juveniles at the initiation of services of their duty to report and the limitations of confidentiality.

Juvenile victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to §115.362 and shall immediately notify the appropriate medical and mental health practitioners.

Staff shall preserve and protect any crime scene until law enforcement arrives to investigate and collect any evidence. The staff receiving the report or the Superintendent or designee will request that the alleged victim not to shower, wash, change clothes, urinate, defecate, smoke, or eat to preserve evidence. If the abuse was oral, the victim will be advised to not drink or brush his/her teeth or take any action that could damage or destroy evidence.

The staff receiving the report or the Superintendent or designee will ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first responder is not a JSO, the responder is required to request that the alleged victim not take any actions that could destroy physical evidence and then notify a JSO.

Local law enforcement will determine whether a juvenile will be transported to the appropriate medical facility for a Sexual Assault Nurse Examiner (SANE) exam.

If the juvenile court retains jurisdiction over the alleged victim, the Detention Superintendent or designee shall report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

The department shall provide the juveniles with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

The department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. All allegations of sexual abuse or sexual harassment are referred for investigation to an agency (Jefferson County Sheriff Department) with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. All policies will be displayed in the detention manual for all staff to have access to them. The public can view policies upon request. The department shall document all such referrals. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations. (See Policy 15.12 for additional information on investigation procedures.)

All terminations for violations of department sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

## **DISCIPLINARY ACTION IN REGARDS TO ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT**

Disciplinary action and/or filing of criminal charges on the alleged perpetrator may be imposed pending the results of the internal and/or external investigations.

A juvenile may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the juvenile engaged in juvenile-on-juvenile sexual abuse or following a criminal finding of guilt for juvenile-on- juvenile sexual abuse.

Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the juvenile's disciplinary history, and the sanctions imposed for comparable offenses by other juveniles with similar histories. In the event a disciplinary sanction results in the isolation of a juvenile, the department shall not deny the juvenile daily large-muscle exercise or access to any legally required educational programming or special education services. Juveniles in isolation shall receive daily visits from a medical or mental health care clinician. Juveniles shall also have access to other programs and work opportunities to the extent possible (See policy Chapter 11 for Rules and Discipline Procedures). MRJJC does has the ability to provide counseling and other interventions to address and correct underlying reasons or motivations for abuse and may consider whether to offer the offending juvenile participation in such interventions. The department

may require participation in such interventions to progress through the behavior level system on a case by case basis.

The disciplinary process shall consider whether a juvenile's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

The department may discipline a juvenile for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

Staff shall be subject to disciplinary sanctions up to and including termination for violating department sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. Disciplinary sanctions for violations of department policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

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

The department shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

## **MEDICAL AND MENTAL HEALTH SERVICES**

When referred by local law enforcement, a victim of sexually abusive penetration will be transported immediately to the appropriate medical facility which can provide for medical examination by a Sexual Assault Nurse Examiner (SANE) or equally qualified medical personnel.

A victim of any type of sexual abuse will:

- receive a mental health assessment as soon as possible;
- receive a medical assessment as soon as possible;
- be provided protective housing as needed; and/or
- be provided emergency counseling to include independent certified rape crisis counseling, if desired by the victim.

Juvenile victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections

prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Juvenile victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results are positive, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Juvenile victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

If a Mental Health Provider (MHP) determines that a juvenile needs mental health services, the MHP must notify the appropriate staff of their recommendation.

Upon notification of the MHP's recommendation for continued mental health services, the appropriate staff will implement the recommendation(s) and document accordingly.

The department shall provide such victims with medical and mental health services consistent with the community level of care. The department shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between juveniles and these organizations and agencies, in as confidential a manner as possible.

The department shall attempt to make available to the victim a victim advocate from The Rape and Suicide Crisis Center of South East Texas. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community based organization or a qualified agency staff member. The department shall document efforts to secure services from rape crisis centers. The department may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

The Detention Superintendent or designee will arrange communication for juveniles when a victim advocate is requested or needed. Prior to giving access to an advocate, the Superintendent or designee will inform the juvenile of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

All treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The department shall offer all juveniles who experience sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The department shall document its efforts to provide SAFEs or SANEs.

The MRJJC's Mental Health Provider shall serve as the qualified agency staff member and will serve as a backup to The Rape and Suicide Crisis Center of Southeast Texas. The Mental Health Provider will receive education on sexual assault and forensic examination issues in general.

As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

## **PREVENTION PROCEDURES**

To prevent sexual abuse and sexual harassment, the department will provide a safe and secure environment; the department will provide the highest level of supervision of youth to prevent sexual abuse and sexual harassment through:

- a staff to youth ratio as required under applicable standards or statute;
- surveillance equipment to aid staff in detecting inappropriate behavior; and
- a structural facility design that allows visual supervision of youth in areas such as shower and restroom areas, dormitories, education buildings, recreational areas, etc.

## **PREVENTION AND STAFF TRAINING**

When the department is made aware that a juvenile is subject to a substantial risk of imminent sexual abuse, the department shall take immediate action to protect the juvenile. All departmental employees, detention and probation staff is responsible for being alert to signs of potential situations in which sexual abuses might occur. Preventing sexual abuse also means that staff should attempt to identify sexually abusive youth, peers, or supervisors.

All departmental employees will be trained to recognize the physical, behavioral, and emotional signs of sexual abuse. Staff will also be trained to recognize the signs and symptoms of victimization in juveniles and typical predatory methods employed by sexual abusers such as grooming, set-ups and extortion. The training shall be tailored to the unique needs and attributes of the juveniles referred to MRJJC.

All staff will receive annual training regarding the prevention and identification of sexual abuse.

Pre-service and annual in-service training on sexual abuse will include training for all staff on the following topics:

- sexual abuse;
- inappropriate relationships with youth;
- Prison Rape Elimination Act (PREA) which include:
  - zero tolerance policy for sexual abuse and sexual harassment;
  - how to fulfill their responsibilities under the department's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - juveniles 'right to be free from sexual abuse and sexual harassment;
  - the right of juveniles and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - the dynamics of sexual abuse and sexual harassment in juvenile facilities;
  - the common reactions of juvenile victims of sexual abuse and sexual harassment;
  - how to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
  - how to avoid inappropriate relationships with juveniles;

- how to communicate effectively and professionally with juveniles, including lesbians, gay bisexual, transgender, intersex, or gender conforming juveniles;
  - how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
  - relevant laws regarding the applicable age of consent; and
- suspected child abuse and neglect.

The department shall maintain documentation that the employees understand the training that they have received.

The department shall ensure that all volunteers and contractors who have contact with juveniles have been trained on their responsibilities under the department's sexual abuse and sexual harassment prevention, detection and response policies and procedures. The level of training provided to volunteers and contractors shall be based on the services that they provide and the level of contact that they have with the juveniles, but all volunteers and contractors who have contact with juveniles shall be notified of the department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The department shall maintain documentation that confirming that volunteers and contractors understand the training that they have received.

The department shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

If medical staff employed by the department conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

The department shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

Medical and mental health care practitioners shall also receive the training mandated for employees under §115.331 or for contractors and volunteers under §115.332, depending upon the practitioner's status at the agency.

## **CONFIDENTIALITY**

Information concerning the identity of a victim reporting sexual abuse, and the facts of the report itself, will be limited to those who have a need to know in order to make decisions concerning the juvenile's welfare and for law enforcement, and TJJJ investigative purposes.

## **COUNSELING**

The department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide juveniles with confidential emotional support services related to sexual abuse. The department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

## **REPORTING TO OTHER FACILITIES**

Upon receiving an allegation that a juvenile was sexually abused while confined at another facility the Detention Superintendent (Head of the Facility) shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the Texas Juvenile Justice Department as soon as possible but no later than 72 hours after receiving the allegation. The Detention Superintendent or designee shall retain documentation that the notification was provided.

## **SEX ABUSE INCIDENT REVIEWS**

The department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall occur within 30 days of the conclusion of the investigation. The review team shall include the Chief JPO, Casework Manager, Detention Superintendent, two Detention Casework Supervisors, investigators and any medical and mental health practitioners that are available. The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status, or gang affiliation or was motivated otherwise caused by other group dynamics at the facility;

- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in the area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- Prepare a report of its findings. Including but not necessarily limited to determinations made pursuant to the above information and any recommendations for improvement and submit such report to the Chief JPO and Detention Superintendent/ PREA Coordinator.

The department shall implement the recommendations for improvement, or shall document its reasons for not doing so.

## **DATA COLLECTION**

The department shall maintain a log that records every allegation of sexual abuse within the facility that meets the definition of sexual abuse that is defined below in the Definition Section of this policy. The department shall aggregate the incident-based sexual abuse data at least annually. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. The department shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Upon request, the department will provide all such data from the previous calendar year to the Department of Justice.

The department shall review the data that is collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its finding and corrective actions for the department as a whole.

The report shall include a comparison of the current year's data and corrective actions with those from the prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. The report shall be approved by the Chief JPO and made readily available to the public annually through the website. The department may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted. The

department will also make sex abuse data from placement facilities with which the department contracts with readily available to the public at least annually through the website.

The department must ensure that the data collected are securely retained. All personal identifiers must be removed before making aggregated sexual abuse data publicly available. Sexual abuse data collected must be retained for at least 10 years after the date of its initial collection unless Federal, State and local law requires otherwise.

## **REVIEW**

The Chief Probation Officer and the Detention Superintendent will review this policy annually to ensure compliance with the Prison Rape Elimination Act standards (PREA).