


<b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b>	Transmittal # 22-3	Policy # 23.1
Applicability: <input checked="" type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities	Related Standards & References: Docket No. OAG-131; AG Order No. 3143-2010 / RIN 1105-AB34; 34 USCA § 30301 <i>et seq.</i> Prison Rape Elimination Act of 2003 O.C.G.A. §§ 15-11-2, 16-6-5.1, 19-7-5 ACA Standards: <b>4-JCF-3A-02, 4-JCF-3A-03, 4-JCF-3D-01, 4-JCF-3D-02, 4-JCF-3D-03, 4-JCF-3D-04, 4-JCF-3D-04-1, 4-JCF-3D-05, 4-JCF-3D-06, 4-JCF-3D-07, 4-JCF-3D-08, 4-JCF-3D-09, 3-JDF-3D-06-02, 3-JDF-3D-06-03, 3-JDF-3D-06-04, 3-JDF-3D-06-05, 3-JDF-3D-06-06, 3-JDF-3D-06-07, 3-JDF-3D-06-08, 3-JDF-3D-06-09, 3-JDF-3D-06-10, 3-JDF-1C-04</b> DJJ: 2.10, 3.52, 5.1, 5.5, 7.1, 7.6, 8.5, 8.12, 8.22, 8.42, 13.32, 14.3, 15.2, 15.3, 15.10, 17.3, 20.7, 22.3, 23.1, 23.2, 23.3	
Chapter 23: PRISON RAPE ELIMINATION ACT (PREA)	Effective Date: 5/6/22 Next Scheduled Review Date: 5/6/23	
Subject: PRISON RAPE ELIMINATION ACT (PREA)	Replaces: 2/7/2020 Operations and Compliance Division	
Attachments: A – Facility Annual Staffing Report B – Unannounced PREA Rounds C – Cross Gender Searches Documentation D – PREA Pre-Employment Questionnaire E – Staff PREA Acknowledgement Statement F – Consent to Disclose Protected & Confidential PREA Related Inf. G – PREA Training Series H – Youth PREA Acknowledgement Statement I – Resident Notification of Investigative Outcome J – Sexual Abuse Incident Review Team Meeting Minutes K – Requirements of A PREA Case L – PREA Retaliation Monitoring Sheet M – Sexual Abuse Coordinated Team Response	APPROVED:    Tyrone Oliver, Commissioner	

**I. POLICY:**

The Georgia Department of Juvenile Justice (DJJ) has zero tolerance towards all forms of sexual abuse and sexual harassment of youth in DJJ custody. The Georgia Department of Juvenile Justice strictly prohibits any form of sexual activities involving youth with other youth and youth with staff, visitors, contractors, volunteers, and interns as defined by Department of Justice PREA Juvenile Standards, Georgia State Law, and Georgia Department of Juvenile Justice policies. Such conduct is subject to administrative and disciplinary sanctions, termination, and criminal prosecution.

The Department will take appropriate actions to reduce the risk of all forms of sexual abuse and sexual harassment within the Department of Juvenile Justice facilities, contract

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	2 of 32

residential programs, and community service offices (CSO) by implementing the PREA Standards established by the United States Department of Justice.

## II. CONSTRUCTION OF POLICY:

This policy is structured by subject matter and citations to the PREA Standards established by the United States Department of Justice, thereby allowing the reader of the policy to discover relevant policy provisions by topic and to identify the underlying PREA Standards by citation.

## III. DEFINITIONS:

**Age Appropriate:** A way of communicating, explaining, interviewing, or providing services to a youth that is suitable for the youth’s age and level of emotional and cognitive development.

**Agency PREA Coordinator:** A full-time upper-level position that has the authority and responsibilities to develop, implement and oversee the agency’s efforts to comply with the PREA Standards in all DJJ facilities/programs/offices.

**Allegation:** An oral, written, or electronic statement to a staff member or outside agency that sexual abuse/sexual harassment has occurred or might occur.

**Applicant:** An individual seeking employment or promotion with the Department, a volunteer subject to a background investigation (as outlined in DJJ 14.3, Citizen and Volunteer Involvement) interns, and contractors who provide a service to a youth, including non-parental home placements.

**Audits:** For the purposes of this policy audits are defined as a thorough investigatory review of information, including written records and interviews with staff and youths, to determine whether and the extent to which an agency and/or facility/program/office policies, practices, and protocols comply with the PREA standards.

**Child:** Any individual who is:

- Under the age of 18 years;
- Under the age of 17 years when alleged to have committed a delinquent act;
- Under the age of 21 years, who committed an act of delinquency before reaching the age of 17 years, and who has been placed under the supervision of the court, is on probation to the court, or is committed to the DJJ; or
- Under the age of 22 years and in the care of DFCS as a result of being adjudicated dependent before reaching 18 years of age.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	3 of 32

**Designated Health Authority:** The individual responsible for the facility’s health care services, including arrangements for all levels of health care and the ensuring of quality and accessibility of all health services provided to juveniles. The Designated Health Authority will be a Registered Nurse.

**Direct Care Staff:** Staff responsible for the direct supervision of youth under the care and custody of the Department.

**Director:** For the purposes of this policy, the staff member responsible for the overall operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), community service office, or other DJJ owned, operated, or contracted facility.

**Gender Identity:** A person’s internal sense of being male or female, regardless of the person’s gender at birth.

**Intersex:** A person whose sexual or reproductive 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 sexual development.

**LGBTI:** Lesbian, Gay, Bisexual, Transgender, Intersex.

**Licensed Mental Health Provider:** A licensed psychiatrist, licensed psychologist, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Marriage and Family Therapist (LMFT), or Clinical Nurse Specialist (CNS) in psychiatry/mental health. Licensure at the independent practice level is required in order for a clinician to be considered an LMHP.

**Medical Services Staff:** Staff licensed as a Registered Nurse, Licensed Practical Nurse, Nurse Practitioner, Physician’s Assistant, or Physician.

**Prison Rape Elimination Act (PREA):** A federal law that supports the elimination, reduction, and prevention of sexual assault and rape within correctional systems. It applies to all federal, state, and local prisons, juvenile facilities, jails, police lock-ups, private facilities and community settings such as residential providers.

**PREA Standards:** Guidelines established by the United States Department of Justice to prevent, detect respond, monitor, and eradicate sexual abuse and sexual harassment within the correctional system.

**PREA Compliance Manager:** A designated staff member from a facility, program, or office assigned to assist in PREA planning and self-assessment as well as to serve as the liaison between the facility, program, or office and the Agency PREA Coordinator.

**Residential Providers:** Providers that contract with the DJJ to house youth.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	4 of 32

**Sexual Abuse:** Sexual abuse of a youth by another youth 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:

- Contact between the penis and the vulva or vagina, or the penis and anus including penetration (however slight);
- Contact between the mouth and the penis, vulva, vagina, or anus;
- Penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument;
- 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 youth by staff member, contractor or volunteer includes the above acts, regardless of consent, coercion, or threats as well as:

- Any 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;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
- Voyeurism by a staff member, contractor, or volunteer that results in an invasion of privacy of youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet 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.

**Sexual Harassment:** Sexual advances, request for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by staff directed toward youth, to include threatening comments. This includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Abuse Review Team:** Facility team composed by upper level management official, with input from line supervisors, investigators, and medical or mental health practitioners. The facility Sexual Abuse Review Team will conduct a sexual abuse incident review within 10 days of the conclusion of a PREA Investigation unless the allegation has been determined to be unfounded.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	5 of 32

**Special Incident Report (SIR):** A report that provides details regarding an event involving youth, employees, and/or facilities/programs/offices that interrupts normal procedure or precipitates a crisis.

**Transgender:** A person whose gender identity is different from the person’s assigned sex at birth.

**Victim Advocate:** For the purposes of this policy, an individual, who may or may not be affiliated with the Department, who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure that the victim’s interests are represented, their wishes respected, and their rights upheld.

**IV. PREVENTION PLANNING (STRATEGIES AND RESPONSES TO REDUCE AND PREVENT SEXUAL ABUSE AND SEXUAL HARASSMENT)**

**(115.311) Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator**

- A. DJJ will employ an Agency PREA Coordinator. The Agency PREA Coordinator, PREA Investigators, and the Agency PREA Compliance Specialists will have complete and unrestricted access to all agency facilities, contract/residential programs, offices, records, staff, and youth. Facility staff, contract providers, and community service staff must cooperate fully with the Agency PREA Coordinator without fear of reprisal or reprimand.
- B. The Deputy Commissioners of Secure Facilities and Community Services or their designee will ensure that each facility, community service office, and program designate a PREA Compliance Manager. The facility/office and program Director or designee will provide the Agency PREA Coordinator with an update of any changes in PREA Compliance Managers within two weeks of the change. The position of the PREA Compliance Manager must be included in the organizational structure of the facility, office, and program.
  - 1. Responsibilities of a PREA Compliance Manager
    - a. Maintains PREA files in a locked cabinet;
    - b. Ensures that PREA Standards are implemented and monitored; and
    - c. Review and monitor allegations of retaliation against anyone who reports or cooperates with investigations of sexual abuse or sexual harassment, and documents claims on Attachment L (PREA Retaliation Monitoring Sheet).

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	6 of 32

- d. Prepared the facility for US Department of Justice (DOJ) certified audits every three years.

**(115.312) Contracting with Other Entities for the Confinement of Residents**

- C. New contract or contract renewals with public and private entities for the confinement of youth as well as contracts for professional services for youth will include the entity’s obligation to adopt and comply with PREA standards. All contractors to include Residential Providers must ensure that all PREA incidents are reported to DJJ Office of Investigations.

**(115.313) Supervision and Monitoring**

- D. Facilities will develop, implement, and document an approved staffing report that provides for adequate levels of staffing and, where applicable, video monitoring, to protect youth against sexual abuse in accordance with DJJ 7.6, Video Monitoring Systems. Each time the staffing plan is not complied with, the facility will document and justify all deviations from the staffing plan. The facility is required to review, make adjustments, and complete the Facility Annual Staffing Report (Attachment A) and submit its report by the 10<sup>th</sup> of December with the required signatures to Agency PREA Coordinator.
- E. Each facility will maintain staff ratios of a minimum of 1:8 during resident wake hours and 1:16 during sleep hours. Only agency approved POST certified staff members or staff members with additional PREA training can be counted in the supervision ratio. The facility will document this information daily in the Secure Facility Staffing Report System (SFS) located on DJJ website. Only the reason(s) for ratio non-compliance should be entered in the comment section.
- F. The facility will require an Administrative Duty Officer to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds will cover all shifts and all areas of the facility. At least two unannounced rounds must be conducted after 12:30 am and no later than 4:30 am per month. Staff is prohibited from alerting other staff of such rounds. Staff members cannot conduct unannounced rounds during his/her assigned shifts. All such rounds must be documented using Attachment B, Unannounced PREA Rounds, and maintained in a binder for PREA audits. The unannounced PREA rounds logbook or documentation must be maintained in the main control room at all times for audits and PREA investigators review.
- G. Facilities/Programs/Offices will maintain a clear and unobstructed view into offices, classrooms, or any room/location where a youth and staff may interact.
- H. Clear and Unobstructed View:

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	7 of 32

1. In secure facilities, areas, windows, and doors will be free of posters, blinds, paper, etc. that obstruct the direct line of sight into offices and rooms/locations. Locations that are primarily used for administrative (non-youth) purposes may have blinds; however, the blinds must be up anytime youth are in the location and after the close of business.
  2. Blinds may remain in the medical examination rooms. The blinds must remain up or open except when a health care provider is examining a youth in the room.
  3. With the exception of medical examination rooms, areas that have solid doors will be open at all times when youth and staff are both in the room.
- I. In secure facilities, blind spots will be identified and managed by repositioning officers or installing or updating video monitoring systems, electronic surveillance systems, or other monitoring technologies on internal and external grounds, or by other appropriate means.
  - J. Staff will ensure that all hidden or secluded areas (such as janitor closets, blind spots, etc.) where covert sexual behavior may occur are monitored and the doors kept locked and secured at all times. Staff must follow key control policies to ensure that staff members are not allowed to enter into areas where staff and youth may interact after hours. The highly restricted keys must be signed in and out at all times as required by DJJ 8.12, Key Control. The Community Service Offices (CSO) must comply with DJJ 20.7, Community Services Key Control.

**(115.315) Limits to Cross-Gender Viewing and Searches**

- K. Youth in DJJ custody are not subject to discrimination based on race, religion, national origin, gender, sexual orientation, disability, or political views.
- L. Staff members of the opposite gender are required to announce their presence when entering a youth housing unit.
- M. Youth access will not be restricted to regularly available programming or other out-of-cell opportunities in order to comply with PREA provisions.
- N. No staff will search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during a conversation with the youth or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical services staff.
- O. The facility will not conduct cross-gender strip and body cavity searches of youth. In addition to DJJ 8.22, Searches and Contraband Control, cross-gender

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	8 of 32

pat down searches may only be conducted in exigent circumstances, which are any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional orders of the facility. All such searches must be documented detailing the exigent circumstances using Attachment C, Cross Gender Searches Documentation.

- P. DJJ staff responsible for searches will be trained in conducting cross-gender pat down searches and searches of transgender and intersex residents professionally, respectfully, and in the least intrusive manner possible, consistent with security needs. The gender of the staff member searching a transgender or intersex resident will depend on the individual resident’s specific needs and on the facility’s operational concerns. Under most circumstances, this will be a case-by-case determination, which may change over the course of confinement and should take into consideration the gender expression of the resident. The facility will also use information from DJJ 23.3, LGBTI Attachment A: Transgender/Intersex Declaration of Preference Statement when deciding a case-by-case determination.
  
- Q. With the exception of medical examinations or urine drug screens, staff will not view youth showering, performing bodily functions, or changing clothing except when such viewing is incidental to routine cell checks. Each facility will install “PREA friendly” shower curtains on all shower stalls that provide a view of the youth’s upper body (shoulder and head) and lower body (knees to feet) while the middle of the curtain prevents viewing of the youth’s mid-sections. The facility shower Local Operating Procedure (LOP) or Post Order must include a detail backup process for same gender showering supervision.

**(115.316) Residents with Disabilities and Residents who are Limited English Proficient**

- R. Accommodations will be made in accordance with DJJ 15.10, Language Assistance Services, to ensure that youth who are limited English proficient (LEP), deaf, or disabled are able to report sexual abuse to staff directly, through interpretive technology, or through non-youth interpreters.
  
- S. The facility will use DJJ 13.32, Special Education Services, and its definitions of disabilities to provide age-appropriate and disability services to youth by special education instructors. Each Director, in consultation with the Education Principal/Lead Teacher, will ensure that education staff develop guidelines that will provide assistance to youth with disabilities to deliver PREA information. The guidelines should include but are not limited to the following:
  - 1. Staff responsible for services;



Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	9 of 32

- 2. Processes for accessing services to include weekends, holidays, after hours;
  - 3. Documentation in JTS;
  - 4. Timeframe in which service is to be delivered; and
  - 5. Follow-ups.
- T. The facility will prohibit the use of youth interpreters, youth readers, or other types of youth assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth’s safety, the performance of first-responder’s duties under 115.364, or the investigation of the youth’s allegations. All exigent circumstances must be documented.
- U. Youth requiring interpretation services will receive services in accordance with DJJ 15.10, Language Assistance Services. The facility Director will ensure that the contact information for interpretive service provider will be posted in the intake area and the control room.

**(115.317) Hiring and Promotion**

- V. Facilities/Programs/Offices will not hire or promote anyone who has been found guilty of sexual abuse or sexual misconduct and sexual harassment.
- W. All new hires and employees being considered for promotion will have a background investigation completed in accordance with DJJ 3.52, Background Investigations.
- X. In accordance with the Prison Rape Elimination Act, DJJ is required to determine if all prospective employees and/or employees being considered for promotions have any allegations of sexual assaults, sexual harassment, and/or any civil/administrative liabilities for sexual misconduct prior to employment and/or promotion. Each applicant is required to complete Attachment D, PREA Pre-Employment Questionnaire, as a part of the interview process.
- Y. The Department shall conduct criminal background record checks at least every five years for non-security employees in facilities and offices as well as contractors in accordance with DJJ 3.52, Background Investigations.
- Z. The Department shall perform a criminal background records check and consult applicable sex offender registries before enlisting the service of any contractor who may have contact with youth in accordance with DJJ 3.52, Background Investigation.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	10 of 32

- AA. Employees/Part-Time/Per Diem/Interns and individual contract person must read and sign the Staff PREA Acknowledgement Statement (Attachment E). A copy will be maintained in the personnel file or the appropriate file.
- BB. During the interview process facilities/programs will ask all applicants and prospective employees about previous sexual abuse misconduct. Staff or contractors who omit material regarding sexual abuse and sexual harassment or provide materially false information will be terminated.
- CC. All staff members who engage in sexual abuse and/or misconduct with a youth will be terminated and will be denied access to all DJJ facilities/programs/offices. The Office of Investigations in consultation with the Office of Legal Services and facility Director will report all terminations and staff resignations for violations of agency sexual abuse policies to appropriate law enforcement agencies and any relevant licensing bodies. The Office of Investigations will diligently pursue prosecution of any staff who violate the agency's sexual abuse policies. (See DJJ 22.3, Internal Investigations.) Staff convicted of sexually assaulting a youth may be sentenced to prison in accordance with federal and/or state laws.
- DD. Any contractor or volunteer who engages in sexual abuse and sexual harassment shall be prohibited from contact with youth and DJJ property (See DJJ 14.3, Citizen and Volunteer Involvement, Section G: Termination of Volunteer.) The contractor or volunteer will be reported to law enforcement agencies and to relevant licensing bodies.
- EE. Unless prohibited by law or DJJ Policies, the Department's Office of Human Resources in coordination with the Office of Investigations and Office of Legal Services will provide information on substantiated allegations of sexual abuse or sexual harassment between a current or former employee and a youth upon receiving a request from an institutional employer.

**(115.318) Upgrades to Facilities and Technology**

- FF. When the agency designs or acquires a new facility or is planning substantial expansion or modification of existing facilities, the agency will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect youth from sexual abuse in addition to the requirements in DJJ 7.1, Physical Plant Requirements. The agency will not consider open bay living units to house youth. The Agency PREA Coordinator will serve on the primary committee for PREA planning purposes.
- GG. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	11 of 32

abuse. Youth will not be recorded or viewed when showering, performing bodily functions, or changing clothing. CCTV will not be installed in youth rooms.

HH. Males and females are prohibited from occupying the same sleeping room.

## V. RESPONSIVE PLANNING

### (115.321) Evidence Protocol and Forensic Medical Examinations

- A. The Office of Investigations is responsible for conducting administrative and criminal sexual abuse investigations, including youth-on-youth and staff-on-youth sexual abuse in accordance with DJJ 22.3, Internal Investigations. The investigations will follow the guidelines of a National Sexual Abuse Protocol or similarly comprehensive and authoritative protocol.
- B. All information regarding sexual abuse and victimization, including assessments and evaluations, are protected health information and will be filed in the youth's Health Record. Access to this information shall be determined in accordance with DJJ 5.5, Health Records.
- C. If a youth discloses prior sexual victimization or abuse during a medical evaluation, mental health assessment, or at any time, the staff will report the abuse according to DJJ 8.9, Child Abuse Reporting. For youth over the age of 18, staff shall obtain informed consent from the youth prior to reporting the abuse to the Office of Investigations, on-site/off-site medical staff, and others providing care and treatment who have a need to know. (Attachment F, Consent to Disclose Protected & Confidential PREA Related Information).
- D. Victims of sexual abuse will have timely, unimpeded access to emergency medical treatment, crisis intervention services, and victim advocacy, the nature and scope of which are determined by medical services staff and mental health practitioners according to their professional judgment.
- E. Any youth reported or believed to have been sexually assaulted shall be immediately referred to the on-site health care staff for an appropriate evaluation to determine the need for emergency care. The youth shall be sent to a local hospital for further examination, treatment, and collection of forensic evidence if the incident occurred within the time limits determined by medical services staff, but no later than 72 hours. When on-site health care staff is unavailable, the youth shall be transported to the local hospital for treatment as required by DJJ 23.2, Sexual Assault. The first responders will take steps to protect the victim.
- F. Examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) at a local hospital. When SANEs or SAFEs are not available at the local hospital, a qualified non DJJ medical

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	12 of 32

practitioner will perform the forensic medical examinations. The examination will be documented by the facility. Forensic medical examinations and treatment services are offered without financial cost to the youth in accordance with DJJ 2.10, Youth Medical Expenses.

- G. The facility, through the DJJ Office of Contracts, will enter into a memorandum of understanding (MOU) with local rape crisis centers or community service providers that are able to provide youth with access to outside victim advocates for emotional support services related to sexual abuse.
- H. The mailing addresses and telephone numbers, including toll free hotline numbers of local, state, or national victim advocacy groups or rape crisis organizations will be posted in the facility or otherwise made available to youth who are victims of sexual abuse. The mailing addresses and telephone numbers of immigration service agencies will be provided to youth who have been sexually abused and are being detained solely for civil immigration purposes. (See DJJ 17.1, Admission to Secure Facility.)
- I. The facility Director will document attempts to enter into a MOU and maintains copies of agreements with community service providers. The facility shall enable reasonable communication between youth and these organizations and agencies, in as confidential manner as possible (See Attachment F, Consent to Disclose Protected & Confidential PREA Related Information.)
- J. The facility Director will ensure that all youth victims of sexual assault will receive the same level of care as if they were in a community setting. All victims will be immediately referred for outside medical testing and evaluation. Upon release from a secure facility, the Community Case Manager will provide the youth with follow-up referrals for services in the community.
- K. The facility Director will provide youth access, upon request from youth request or recommendation from SANE, SAFE, or medical services staff, to external medical and mental health victim services for sexual abuse incidents.

**(115.322) Policies to ensure Referrals of Allegations for Investigations**

- L. Facility Directors will ensure that all allegations of sexual abuse or sexual harassment are referred for investigation in accordance with DJJ 8.5, Special Incident Reporting.
- M. The Director of Investigations will ensure that all allegations of sexual abuse and sexual harassment on DJJ property or in a community residential program, including third party and anonymous reports, are investigated. The Office of Investigations must follow the procedures in accordance with DJJ 22.3, Internal Investigations.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	13 of 32

## VI. TRAINING AND EDUCATION

### (115.331) Employee Training

- A. All staff must be able to fulfill his/her responsibilities under the agency sexual abuse prevention, detection, and response policies and procedures. Staff must complete the PREA Training Series as listed in Attachment G, PREA Training Series. Through employee signature or electronic verification, the facility will document that the employees understand the training they have received.
- B. In addition to training, the facility Director or Community Service Office Manager will ensure that key information is continuously and readily available and/or visible to all staff through posters and PREA compliance discussions, reminders in shift briefings, and staff meetings. The agency PREA refresher training will be conducted annually. All full time, part-time, and contracted staff members are required to complete the online refresher training as designated by the Agency PREA Coordinator.
- C. Residential Providers are required to complete PREA training. The PREA training may be completed through the parent company as long as the training meets all the requirements listed in Juvenile Facility Standards United States Department of Justice Final Rule 28 C.F.R. Part 115 Docket No. OAG-131 RIN 1105-AB34/ standard 115.331 Employee Training (Provision A (1 thru 11) and all training is documented. Residential Providers may complete required PREA training through GA DJJ online training.

### (115.332) Volunteer and Contractor Training

- D. The facility Director or designee shall ensure that all volunteers, interns, and contractors who have contact with youth at the facility have been trained on their responsibilities under the agency's sexual abuse prevention, detection, and response policies and procedures. The level and type of training provided to volunteers, interns, and contractors is based on the services they provide and level of contact they have with youth. All volunteers, interns, and contractors that do not provide direct services or services on an ongoing basis to youth will be informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, and on how to report sexual abuse. The facility Director or designee shall maintain documentation confirming that volunteers, interns, and contractors understand the zero-tolerance policy training they have received.
- E. Volunteers complete the online PREA training and complete DJJ 14.3, Citizen and Volunteer Involvement, Attachment C, Volunteer/Guest Consent, and PREA Acknowledgement.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	14 of 32

- F. Contractors/Interns must complete PREA training as required by Attachment G, PREA Training Series. The Training Resource Information System (TRIS) will track PREA Training. The on-site Training Coordinator will verify that all staff completed the required training according to the level of contact and within the established timeframes.
- G. All Staff Contractors/Interns/Part-Time/29 Hour employees/Per Diem workers will be required to sign a Staff PREA Acknowledgement Statement (Attachment E). The acknowledgment statement will be reviewed and signed by the worker’s supervisor at the facility and maintained in the employees’ local personnel or other appropriate file.

**(115.333) Resident Education**

- H. During the intake process, youth will receive, at a minimum, age-appropriate information, explaining the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents of sexual abuse and sexual harassment. After the intake process, the youth will sign the Youth PREA Acknowledgement Statement, (Attachment H). Within 72 hours of the intake process, the youth’s statement will be scanned into JTS documents and listed as PREA Acknowledgement Statement.
- I. Within 72 hours of intake, the facility will provide a comprehensive age-appropriate orientation to youth, with the staff advising youth of the right to be free from sexual abuse, sexual harassment, and retaliation for reporting such incidents. The materials will inform the youth of agency protocol for responding to such incidents. The Agency PREA Coordinator must authorize all materials used for orientation. Completion of the one-hour PREA orientation must be documented in the youth’s JTS file.
- J. The facility will maintain documentation of each youth’s participation in the orientation, and the facility case manager will document the youth’s participation in a JTS PREA communications note.
- K. In addition to providing orientation, the facility Director will ensure that key PREA information is continuously available or visible to youth through posters, student handbooks, or other written formats.
- L. Education staff will provide youth under the Individuals with Disabilities Education Improvement Act (IDEA 2004) equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment (see DJJ 13.32, Special Education Services).

**(115.334) Specialized Training: Investigations**

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	15 of 32

- M. The Office of Investigations will receive specialized training as required by PREA standards. Specialized training includes techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or referral to District Attorney’s Office for prosecution in accordance with DJJ 22.3, Internal Investigations. The Office of Investigations shall maintain documentation of each investigator who completes the training.
- N. All PREA investigators are required to complete the National Institute of Corrections (NIC) online training “PREA: Investigating Sexual Abuse in a Confinement Setting” within 60 days after hire date.

**(115.335) Specialized Training: Medical and Mental Health Care**

- O. The Office of Medical Health Care Services full, part-time, and all contract staff are required to complete the National Institute of Corrections (NIC) online training “PREA: Medical Health Care for Sexual Abuse Victim in a Confinement Setting” within 60 days after hire date. Documentation of completion will be maintained in staff training file.
- P. The Office of Behavioral Health Services full, part-time, and all contract staff are required to complete the National Institute of Correction (NIC) online training “PREA: Behavioral Health Care for Sexual Abuse Victim in a Confinement Setting” within 60 days after hire date. Documentation of completion will be maintained in staff file.

**VII. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

**(115.341) Obtaining Information from Residents**

- A. The intake worker/officer must ask each youth, in a private area, the following question prior to being searched and showered: “Have you been sexually exploited, assaulted, raped, and/or molested within the past 72 hours (3 days). If the youth answers **YES**, staff will immediately follow the protocol in DJJ 23.1, Prison Rape Elimination Act (PREA), Section VIII. G, Preserve and Protect any Evidence. If the youth answers **NO**, then normal intake procedures will be continued.
- B. As soon as possible, but always within 72 hours of a youth’s arrival to a facility, the PREA Compliance Manager will obtain and use information about each youth’s personal history and behavior to reduce the risk of sexual abuse by or upon a resident. The Facility’s Director, Lieutenant Level or higher designee, and PREA Compliance Manager will review the PREA screening report to make the final determination of youth’s vulnerability for victimization.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	16 of 32

- C. When a youth is admitted to secure facility, the youth will be screened for vulnerability for victimization and sexually aggressive behavior prior to room assignment. The PREA Compliance Manager will review room assignments by staff to determine a youth’s potential for victimization or predatory behavior.
- D. Youth vulnerability assessments will be conducted and documented by generating the PREA Screening Report (PSR). At a minimum, the report will attempt to ascertain information about the following:
  - 1. Prior sexual victimization or abusiveness;
  - 2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex (LGBTI), and whether the resident may therefore be vulnerable to sexual abuse;
  - 3. Current charges and offense history;
  - 4. Age;
  - 5. Level of emotional and cognitive development;
  - 6. Physical size and stature;
  - 7. Mental illness or mental disabilities;
  - 8. Intellectual or developmental disabilities;
  - 9. Physical disabilities;
  - 10. The youth’s perception of vulnerability; and
  - 11. Any other specific information about the individual youth that may indicate a heightened need for supervision, additional safety precautions, or separation from certain other youths.
- E. The resident’s information will be ascertained through conversations with the youth during the intake process, Mental Health Screening, Medical Screening, Nurse Health Appraisal, Medical Physical Examination, education documentation, and other relevant documents from the youth’s files or Juvenile Tracking System (JTS). Information from the screening and other resources will be populated into the youth PREA Screening Report (PSR).
- F. The facility will control the dissemination of the youth’s information by complying with all applicable disclosure requirements and Facility PREA Compliance Manager. The dissemination of information ensures that sensitive information is not exploited to the resident’s detriment by staff or other resident.



Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	17 of 32

- G. The Facility PREA Compliance Manager will disseminate results of the PREA Screening Report (PSR) to the facility management team on a need to know basis. The PREA Compliance Manager will implement a system that ensures that staff members working directly with the youth are advised of the status of at-risk youth or youth posing a risk to others. The facility treatment team members and program and supervising staff should continually review the youth’s adjustment within the facility.
  
- H. All information obtained shall be used to make housing, bed, program, and work assignments for youth with the goal of keeping all youth safe from sexual abuse (115.342).
  
- I. Youth may be isolated from others only as a last resort, when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. If a youth is isolated to keep himself/herself safe, the facility shall clearly document the following:
  - 1. The basis for the facility’s concern;
  - 2. The reason(s) why no alternative means of separation can be arranged; and
  - 3. A weekly determination of whether there is a need for continuing separation from the general population (115.342).
  
- J. When assigning a transgender or intersex youth to a male or female facility, staff will consider on a case-by-case basis whether a placement would ensure the youth’s health and safety and whether the placement would present management or security problems. Such placements and programming assignments will be reassessed monthly, or sooner if necessary, to review any threats to safety experienced by the youth. Serious consideration will be given to the youth’s views with respect to his or her safety. (See also DJJ 23.3, LGBTI.)
  
- K. If the youth discloses prior sexual victimization or sexual abuse during intake, medical/mental health screening, or health history, whether it occurred in a facility setting or in the community, staff will ensure the youth is referred for medical and/or mental health services within 72 hours of the screening. Staff must address the youth’s prior sexual victimization and document the youth’s response in the JTS notes.
  
- L. During the youth intake process or orientation, the staff will explain and/or read to the youth the Consent to Disclose Protected & Confidential PREA Related Information (Attachment F). The signed statement will be scanned and placed in JTS documents listed as “Consent to Disclose Protected & Confidential PREA Related Information.”

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	18 of 32

**(115.342) Placement of Residents in Housing, Bed, Program, Education, and Work Assignments**

- M. Each youth in a secure facility will be housed based on his/her custody and housing assessment. Custody and housing assignments will not be based solely on the youth’s sexual orientation or gender identity. Housing, bed, program, education, and work assignments are based on information obtained from assessments and screenings. The facility makes individualized determinations about how to ensure the safety of each youth. Youth in a Community Residential Program will be housed based on an authorized housing assignment plan criteria approved by Georgia Department of Juvenile Justice Statewide Residential Program Coordinator. (See DJJ 23.3, LGBTI.)
- N. LGBTI youth will not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor will the facility consider LGBTI identification or status as an indicator of the likelihood of being sexually abusive.
- O. Placement and programming assignments for each transgender or intersex youth shall be reassessed at least monthly, or sooner if necessary, to review any threats to safety experienced by the youth. A transgender or intersex youth’s own views, with respect to his or her safety, will be given serious consideration. (See also DJJ 23.3, LGBTI.)
- P. Transgender and intersex youth will be given the opportunity to shower separately from other youth.

**VIII. REPORTING**

**(115.351) Resident Reporting**

- A. All Facilities/Programs/Offices shall comply with DJJ 8.5, Special Incident Reporting, when reporting any type of sexual abuse and sexual harassment, including verbal, anonymous, and third-party reports, occurring on DJJ or DJJ-contracted property.
- B. The Facilities/Programs/Offices will provide multiple internal ways for youth to report sexual abuse, retaliation by other youth or staff for reporting sexual abuse, and violation of responsibilities that may have contributed to an incident of sexual abuse that are easily understood, private, and secure.
- C. Youth assigned to a secure facility may report sexual abuse or seek relief against retaliation by:
  - 1. Completing a Help Request Form;

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	19 of 32

2. Using the grievance process (informal processes will not be utilized to attempt to resolve alleged incidences of sexual abuse; youth are allowed to submit a grievance regarding an allegation of sexual abuse and/or sexual harassment at any time, regardless of when the incident is alleged to have occurred);
  3. Telling a counselor, community case manager, medical or mental health staff, Director or Assistant Director, Parent/Guardian, Chaplain or Minister, Facility PREA Compliance Manager, or any trusted adult;
  4. Calling the external toll-free number to the National Sexual Abuse Hotline;
  5. Calling the DJJ Office of Victim Services, toll free at 1-866-922-6360;
  6. Writing to the DJJ Ombudsman Office at the Central Office or calling toll free at 1-855-396-2978; or
  7. Resident correspondence is also an acceptable avenue for residents to report sexual abuse and harassment outside of the facility and agency. To comply with the standard, the facility will ensure that resident's correspondence addressed to the designated external reporting entity remains unopened. The facility will post the mailing address to the outside entity in all residents' living units.
- D. Youth in community residential programs or youth being supervised in the community may report sexual abuse or seek relief against retaliation by:
1. Contacting the local sexual assault center;
  2. Calling the Department of Family and Children Services Hotline, 1-855-422-4453;
  3. Telling a counselor, teacher, community case manager, medical or mental health staff, Director, Parent/Guardian, Chaplain or Minister, or any trusted adult;
  4. Calling the DJJ Office of Victim Services, toll free at 1-866-922-6360; or
  5. Writing the DJJ Ombudsman Office at the Central Office or calling toll free at 1-855-396-2978.
- E. All Community Residential Programs, Contractors, Court Service Offices, and Placements must prominently post the DFCS and Rape Crisis Center hotline numbers. All 800 abuse numbers must be accessible to youth.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	20 of 32

- F. When a sexual abuse or sexual harassment incident occurs while transporting a youth or the youth reports sexual abuse or sexual harassment, the special incident reporting process outlined in DJJ 8.5, Special Incident Reporting, will be used.
  - 1. The transportation officer will immediately notify the Captain of Transportation of the incident. Staff will follow the procedures in DJJ 8.5, Special Incident Reporting.
  - 2. Community staff who is aware of a sexual abuse or sexual harassment incident while transporting a youth will immediately notify the Juvenile Program Manager of the incident. Staff will follow the special incident reporting procedures in DJJ 8.5, Special Incident Reporting.
  
- G. The facility shall give youth mailing addresses and telephone numbers (including toll-free hotline numbers) for agencies providing immigrant services for youth detained solely for civil immigration purposes and enable reasonable communication between youth and the organizations in as confidential a manner as possible. As a part of civil immigration resources, the facility will maintain a copy of the United States Department of State Consular Notification and Access book. The book may be ordered or downloaded from [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
  
- H. In addition to the agency TIP line, staff/contractors/volunteer/interns may report sexual abuse and sexual harassment of residents by reporting to the Supervisor, Agency PREA Program Coordinator, Agency Ombudsman Office, Office of Victim Services, etc.

**(115.352) Exhaustion of Administrative Remedies**

- I. The facility will use DJJ 15.2, Grievance Process, as an administrative procedure to address youth grievances regarding sexual abuse and sexual harassment.
  
- J. The facility will not impose a time limit on when a youth may submit a grievance regarding sexual abuse/sexual harassment allegations.
  
- K. Youth who allege sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. The grievance will not be processed by a staff member who is the subject of the complaint.
  
- L. Grievances alleging sexual abuse will be processed immediately, but no later than 24 hours of retrieval, and assigned for investigation. Final determination regarding the merits of the grievance will be made upon completion of the investigation within 45 days. Extensions may be approved by the DJJ Commissioner or designee. The Facility Director and/or Office of Victim

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	21 of 32

Services will notify the resident in writing of any such extensions and provide a date by which a decision will be made.

- M. The facility will not discipline a youth for filing a grievance alleging sexual abuse unless the facility demonstrates that the youth filed the grievance in bad faith.

**(115.353) Resident Access to Outside Support Services and Legal Representation**

- N. The facility will provide youth 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, and for youth detained solely for civil immigration purposes, immigrant services agencies. The staff will inform youth during Orientation the extent to which such communications will be monitored. The facility shall enable reasonable communication between the youth and these organizations in as confidential a manner as possible.
- O. Each facility is required to establish MOU with the nearest Rape Crisis Center to offer youth required services. If the facility MOU with the Rape Crisis Center or a Crisis Intervention/Counseling and Advocacy Support Services cannot provide the required services needed by the resident, the facility will arrange to transfer the resident to the nearest facility that has an MOU that can provide the required services.
- P. The facility will provide youth with reasonable and confidential access to their attorneys or other legal representation and their parents or legal guardians as instructed in DJJ 15.3, Youth Access to Courts and Counsel; DJJ 15.5, Youth Visitation; DJJ 15.6, Access to Mail; and DJJ 15.7, Access to Telephone. The staff will inform youth during intake and prior to giving them access to outside support services of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law (Attachment F, Consent to Disclose Protected & Confidential PREA Related Information).

**(115.354) Third-Party Reporting**

- Q. Third-party reporting or filing a grievance: A staff, parent/guardian, youth in the community, or in a residential community placement, may use “Stop Crime Online”, the “Intelligent Tip Line/Form” (see DJJ Website Home Page), or a third-party private reporting method to report sexual abuse, sexual harassment, and retaliation. DJJ honors all anonymous third-party private reporting. Inquiries and complaints may be submitted to DJJ Ombudsman’s office by email at [djjombudsman@djj.stat.ga.us](mailto:djjombudsman@djj.stat.ga.us) or by calling 1-855-396-2978.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	22 of 32

- R. If the youth declines to have third-party assistance in filing a grievance alleging sexual abuse and/or sexual harassment, the facility will document the youth’s decision.

**IX. OFFICIAL RESPONSE FOLLOWING A YOUTH REPORT**

**(115.361) Staff and Agency Reporting Duties**

- A. The facility requires all staff to report immediately in accordance with DJJ 8.5, Special Incident Reporting, and DJJ 8.9, Child Abuse Reporting, any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility or contract program, retaliation against youth 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 staff and practitioners are required to report sexual abuse to designated supervisors or the PREA Unit Field Supervisor. Staff is prohibited from revealing any information related to a sexual abuse report to anyone other than to make treatment, investigation, and other security and management decisions.
- B. Upon receiving an allegation of sexual abuse, the facility Director or designee will promptly report the allegation to the appropriate agency office and to the alleged victims’ parents/legal guardian; unless the facility has official documentation showing the parents/legal guardians should not be notified. If a youth is under the guardianship of the Child Welfare System, the report shall be made to the alleged victim’s case worker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the facility Director or designee shall report the allegation to the youth’s attorney of record within 14 days of receiving the allegation. Medical/mental health staff will report all allegations of abuse/harassment to designated supervisors.
- C. When completing the required Special Incident Report (SIR) (DJJ 8.5, Special Incident Reporting, Attachment A: Part A), staff must complete the JPPS/Court notified and Parent/Guardian notified sections.

**(115.362) Agency Protection Duties**

- D. Each facility/program/office will immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation for reporting sexual abuse or sexual harassment. Staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to make treatment, investigation, and other security and management decisions.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	23 of 32

- E. Staff will take appropriate steps to protect all youth and staff that report sexual abuse or cooperate with sexual abuse investigations from retaliation by other youth or staff. The facility/program/office will employ multiple protection measures, including custody and housing changes, Special Management Plans, “No Contact Status,” or transfers for youth victims or abusers.

**(115.363) Reporting to Other Confinement Facilities**

- F. Upon receiving an allegation that a youth was sexually abused or sexually harassed while confined at another facility, the Director of the facility that received the allegation will notify the Director of the facility or appropriate office of the agency where the alleged abuse occurred as soon as possible, but no later than 72 hours, and will also notify the Office of Investigation. The facility will document that it has provided the required notification.

**(115.364) Staff First Responder Duties**

- G. The staff member receiving sexual abuse information will immediately refer the youth to the medical services staff for initial evaluation and determination of the need for an outside medical referral for further testing and evaluation, in accordance with DJJ 23.2, Sexual Assault.
- H. The first direct care staff member to respond to the allegation will:
1. Take immediate action to protect and ensure that the victim is safe, and separate the alleged victim and perpetrator;
  2. Obtain basic information such as where the incident occurred and who may be involved, but will not ask any other questions;
  3. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
  4. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and ensure that the abuser do not take any actions that will destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, eating, etc.; and
  5. If the first staff responder is a non-direct care staff member, he or she is required to ensure the victim is safe and instruct the victim and perpetrator not to take any actions that will destroy physical evidence and then immediately notify direct care staff.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	24 of 32

- a. Youth who are alleged victims of sexual abuse will be treated in a sensitive and non-judgmental manner.
  - b. The agency prohibits the use of youth interpreters, youth readers, or other types of youth assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth’s safety, the performance of first-response duties under §115.364, or the investigation of the youth’s allegations.
- I. In secure facilities, staff will ensure that the garments/clothing worn by those involved and the scenes where the alleged act(s) occurred are protected to ensure that evidence is not further contaminated. This means simply securing any evidence until the arrival of law enforcement and/or DJJ Office of Investigations. Securing is defined as keeping control over the evidence or scene and documenting any access to or deviation regarding access to that evidence. Staff shall not move, touch, or alter the evidence in any way. Staff should not discuss any facts of the incident with anyone except those directly involved in response to the incident or investigation of the incident. All of this information is reportable to law enforcement and subsequent investigators.

**(115.365) Coordinated Response**

- J. The facility will use the Sexual Abuse Coordinated Team Response (Attachment M) to respond to all sexual incidents.
- K. For PREA codes, the facility Director or designee must immediately contact the PREA Unit Field Supervisor for coding confirmation and assignment of an investigator.
- L. The Agency PREA Coordinator, Director of Investigations, and Director of Victim Services will immediately receive Special Incident SQL alerts upon entering PREA Codes into the Special Incident database.
- M. The Director of Victim Services will review the incident and make a determination regarding the immediate and critical need for additional services. Services will be rendered based on the nature and circumstances surrounding the allegation.
- N. Medical and mental health staff will maintain secondary materials (e.g., form, log, victim services card) documenting the timeliness of emergency medical treatment and crisis intervention services that are provided, the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported, and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection



Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	25 of 32

prophylaxis. When medical services staff examine a youth for sexual abuse, youth will be given the youth victim service information/card prepared by the Office of Victim Services.

**(115.366) Preservation of Ability to Protect Residents from Contact with Abusers**

- O. Neither the agency nor any other governmental entity responsible for collective bargaining on the agency’s behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with residents, pending the outcome of an investigation or of a determination as to what extent discipline is warranted. *Note:* DJJ is not involved in “collective bargaining” with union employees. (See also DJJ 3.2, Third Party Involvement.)

**(115.367) Agency Protection against Retaliation**

- P. Directors, Facility PREA Compliance Managers, and other supervisors will take immediate steps to ensure that youth alleging sexual abuse and sexual harassment, or staff reporting, are not victims of any form of retaliation. After a resident reports alleged sexual abuse or sexual harassment, staff must complete Attachment L, PREA Retaliation Monitoring Sheet. The facility treatment team members and shift supervisors will continually review the youth’s adjustment within the facility and document their findings.
- Q. Monitoring for retaliation shall start immediately once an allegation of sexual abuse or sexual harassment has been made. Monitoring shall last for at least 90 days. Termination of monitoring can only occur prior to 90 days if the investigation has determined that the allegation is unfounded or if the person (youth/staff) is no longer at the site. Monitoring can occur beyond the 90 days if there is reason to believe retaliation or fear is an ongoing concern or if there are any extenuating circumstances.
- R. The PREA Compliance Manager shall immediately begin monitoring for retaliation upon an allegation being reported.
- S. When monitoring for retaliation the following should be observed:
  1. The conduct and treatment of a resident or staff who reported the sexual abuse and sexual harassment.
  2. Resident disciplinary reports.
  3. Housing.
  4. Program changes.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	26 of 32

- 5. Negative performance reviews; or
- 6. Reassignment of staff.

**(115.368) Post-Allegation Protective Custody**

- T. Upon return from the emergency room, a new Custody and Housing Assessment will be completed in accordance with DJJ 17.3, Custody and Housing Assessment. The facility Director or designee, in consultation with the Designated Health Authority, will make a final decision regarding housing placement for the alleged victim. The safety, security, and well-being of the alleged victim will be primary in these decisions. The alleged victim will not be housed in the same area as the alleged perpetrator.

**X. INVESTIGATIONS**

**(115.371) Criminal and Administrative Agency Investigations**

- A. All allegations of sexual abuse on DJJ property, in DJJ custody, or in a residential program contracted by DJJ, including third party and anonymous reports, will be administratively and/or criminally investigated by DJJ Office of Investigations. All investigations must comply with DJJ 22.3, Internal Investigations, and DJJ 8.42, Crime Scene Preservation. If the employee resigns or is terminated or if the victim/reporter recants the allegation, the investigation will still be completed by the Office of Investigations.
- B. All PREA related investigations must be completed within 30 calendar days from case assignment unless the investigation is handled by outside agencies or as approved by the Director of Investigations.
- C. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and shall not be determined by the person’s status as a resident or staff. The agency will not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- D. The investigator will produce a final investigative report within the established timeframes for the completion of the investigation, unless time is extended in writing by the Commissioner or designee. The final report will determine whether staff actions or failure to act contributed to the abuse, and the written report includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- E. DJJ will retain all written investigations and Special Incident Reports (SIRs) as long as the alleged abuser is incarcerated or employed plus five years, unless the

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	27 of 32

abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

**(115.372) Evidentiary Standard for Administrative Investigations**

- F. The Office of Investigations shall impose no standard higher than a preponderance of the evidence in determining whether the allegations of sexual abuse or sexual harassment are substantiated.

**(115.373) Reporting to Residents**

- G. If the investigation reveals that a youth has made a false accusation that he/she, not in good faith, could not have believed to be true, the facility/office/program may take disciplinary action against the youth through all means available within the agency’s disciplinary process. However, the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- H. The Office of Victim Services will inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The Office of Victim Services will use Attachment I, Resident Notification of Investigative Outcome, to document its reporting to a youth.

**XI. DISCIPLINE**

**(115.376) Disciplinary Sanctions for Staff**

- A. Staff will be subject to disciplinary sanctions up to and including termination and criminal prosecution for violating the agency’s sexual abuse or sexual harassment policies. (See DJJ 3.80, Employee Progressive Discipline.)
- B. Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will 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.
- D. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, will be reported to the appropriate law enforcement agency and to any relevant licensing bodies unless the activity was clearly not criminal.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	28 of 32

**(115.377) Corrective Action for Contractors and Volunteers**

- E. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with youth and will be reported to law enforcement agencies and relevant licensing bodies, unless the activity was clearly not criminal.
- F. In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer (see 14.3, Citizen and Volunteer Involvement, Section regarding Termination of Volunteer), the facility will take appropriate remedial measures and shall consider whether to prohibit further contact with youth.

**(115.378) Interventions and Disciplinary Sanctions for Residents**

- G. Youth will receive appropriate interventions if they engage in youth-on-youth sexual abuse. Decisions regarding which types of interventions to use in particular cases, including treatment, counseling, education programs, or disciplinary sanctions, will be made to promote improved behavior by the youth and ensure the safety of other youth and staff. Pre-adjudicated youth will not be placed in a sexually harmful behavior treatment program.
- H. The Director of the Office of Investigations will refer youth for criminal prosecution when appropriate. The agency will discipline youth for sexual conduct with staff only upon finding that the staff member did not consent to such contact.
- I. The facility will prohibit disciplinary action for a youth reporting sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**XII. MEDICAL AND MENTAL CARE**

**(115.381) Medical and Mental Health Screening; History of Sexual Abuse**

- A. Medical services staff and mental health practitioners will obtain informed consent from youth before reporting information about prior sexual victimization that did not occur in a facility setting, unless the youth is under the age of 18. (See Attachment F, Consent to Disclose Protected & Confidential PREA Related Information.)
- B. If an intake screening pursuant to 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will ensure that the resident is offered a follow

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	29 of 32

up meeting/session with a mental health or medical practitioner within 14 days of the intake screening.

- C. The information collected during the medical and mental health screening is strictly limited to informing security and making management decisions about treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by DJJ 5.5, Health Records, and all other federal, state, and local laws.

**(115.382) Access to Emergency Medical and Mental Health Services**

- D. The facility Director will ensure that victims of sexual abuse while confined shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. If there is an allegation of a sexual assault within a 72-hour time frame, youth will be sent to the Emergency Room to be examined and to have forensic evidence collected, STI labs done, and to provide emergency contraception. If beyond that time frame, the facility can screen for STIs and offer emergency contraception if within the required clinical time frame. The agency has a contract with Global Diagnostics to provide SANE nurses that can come to the facility upon request by the Office of Health Services. Global Diagnostics can do the assessments on site. The facility can also use the SANE nurse on site if there are allegations of non-penetrating sexual assault.

**(115.383) Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers**

- E. The facility will offer medical and mental health evaluation and appropriate treatment to all youth who have been victimized by sexual abuse (inside or outside the facility). Victims of sexual abuse while confined in a secure facility will be offered tests for sexually transmitted infections as medically appropriate.
- F. Female victims of sexual abuse, while confined in a secure facility, will be offered a pregnancy test. If pregnancy results from sexual abuse while confined, the victim will receive timely and comprehensive information and access to all lawful, pregnancy-related medical services coordinated by the Medical Department. The facility will provide the required services or establish an MOU with the nearest Rape Crisis Center to offer youth required services.
- G. The facility will conduct a mental health evaluation of all known youth-on-youth abusers within 72 hours of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	30 of 32

### **XIII. DATA COLLECTION AND REVIEW**

#### **(115.386) Sexual Abuse Incident Reviews**

##### **A. PREA Incident Review Team:**

1. Each facility and community residential provider will treat all instances of sexual abuse as critical incidents to be examined by the PREA Incident Review Team. The PREA Incident Review Team will include upper-level facility management staff, with input from line supervisors, investigators, and medical services staff or mental health practitioners.
2. At the conclusion of every sexual abuse investigation, unless unfounded, an incident review will be conducted. (See Attachment J, Sexual Abuse Incident Review Team Meeting Minutes.)
  - a. The signed Attachment J will be maintained for audit reviews by the facility PREA Compliance Manager located in the PREA files.

#### **(115.387) Data Collection**

##### **B. Data Collection:**

1. The agency will collect accurate, uniform data for every allegation of sexual abuse at facilities and community residential programs under its control using a standardized Special Incident Report (SIR), in accordance with DJJ 8.5, Special Incident Reporting, DJJ 23.1, PREA, and Attachment K. The SIR process includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. The agency will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

#### **(115.388) Data Review for Corrective Action**

2. The Agency PREA Coordinator will review, analyze, and use all sexual abuse data, including incident-based and aggregated data, to assess and improve the effectiveness of the agency sexual abuse prevention, detection, and response policies, practices, and training.
3. The Agency PREA Coordinator will maintain a current link on the DJJ website to provide PREA information to the public.

#### **(115.389) Data Storage, Publication, and Destruction**

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	31 of 32

4. The agency will maintain sexual abuse data collected pursuant to 115.387 for at least 10 years after the date of its initial collection, in accordance with DJJ 5.1, Records Management, unless federal, state, or local laws require a different retention schedule. In addition to the required 10 years, the agency will maintain data on all staff, contractors, volunteers, and/or interns who committed sexual abuse or sexual harassment of a youth for an additional five years after the staff, contractor, volunteer, and/or intern no longer work or are involved with the agency.
5. The Agency PREA Coordinator will submit an Annual Report with redacted material to the Director of the Office of Investigations for publication approval for release on the DJJ PREA website. Before making aggregated sexual abuse data publicly available, the agency will remove all personal identifiers.

**(115.393) Audits of Standards**

C. Audits and Monitoring:

The PREA Compliance Manager will complete Department of Justice PREA Pre-Audit Questionnaire and self-audits via reports required by the Agency PREA Coordinator.

1. Secure Facilities:
  - a. The Agency PREA Coordinator, State-wide PREA Monitors, and the facility PREA Compliance Managers will monitor secure facilities to determine compliance with the national PREA standards.
  - b. The Agency PREA Coordinator will work on behalf of the agency to recommend Department of Justice Certified Auditors to conduct an independent audit of DJJ secure facilities.
2. Community Residential Providers:
  - a. District Directors and Community PREA Compliance Managers will monitor and conduct internal audits of all Community/Court Service Offices for PREA compliance and will submit reports to Agency PREA Coordinator.
  - b. The Regional Treatment Services Specialists (RTSS) will monitor and conduct internal audits of all Community Residential Providers for PREA compliance and will submit reports to the Agency PREA Coordinator.

Chapter	Subject	Policy #	Page
PRISON RAPE ELIMINATION	PRISON RAPE ELIMINATION ACT	23.1	32 of 32

- c. RTSS are responsible for providing an accurate count of DJJ residents as requested by the Agency-wide PREA Coordinator.
- d. Community Residential Providers who have 51% or more of DJJ residents for seven months or more will be subject to Department of Justice audits.
- e. The Manager of Residential/Aftercare Services will provide to the Agency PREA Coordinator a list of all Community Residential Providers that are subject to be audited by Department of Justice by August 1<sup>st</sup>.
- f. It is recommended that all Community Residential Providers follow the guidelines within this policy and use the attachments for PREA documentation and compliance with program modifications.
- g. Community Residential Providers are responsible for providing their staff with the required PREA training to meet all PREA requirements.
- h. Community Residential Providers and private contractors are responsible for contracting with Department of Justice Certified Juvenile Auditors to conduct an independent audit every three years, completing all required audit documentation as well as uploading required documentation for the DOJ Auditor.
- i. Community Residential Providers must provide the Agency PREA Coordinator a copy of the facility final PREA report when submitting to the National PREA Resource Center.

**XIV. LOCAL OPERATING PROCEDURES REQUIRED: NO**



## Facility Annual Staffing Report

<b>Name of Facility:</b>	<b>Allocated Bed Capacity:</b>
--------------------------	--------------------------------

The overall supervision and monitoring staffing ratio requirements are established by the Department for each facility type. In calculating staffing ratio requirements the following items are taken into consideration:

- a. Generally accepted juvenile detention and correctional/secure residential practices;
- b. Any judicial findings of inadequacy, findings of inadequacy from Federal investigative agencies or internal or external oversight bodies;
- c. The composition of the youth population;
- d. Any applicable State or Local Laws, regulations, or standards;
- e. Any other relevant factors;

Facilities Management Team is required to review, make adjustments and complete the security staffing report annually. Each facility submits the Security Annual Staffing Report by the **10<sup>th</sup> of December** with the required signatures.

The staffing report minimums are based on the facility allocated bed capacities assigned. PREA standard 115.313 Supervision and monitoring section (c) - each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which the staff will fully document in the Staff System. The minimum per shift has been designed to meet this requirement. Only direct care security staff is included in the ratios. Facilities are required to base staffing plan on the DJJ Security Staffing Needs Analysis Summary.

Policy 8.1, Security Management section V. Minimum Staffing Requirements will ensure that the facility is meeting the required staffing.

Staffing Considerations	YES	NO
1. The facility staffing generally accepted juvenile detention and correctional/secure residential practices.		
2. Does the facility have any judicial finding of inadequacy? <i>If yes, please explain.</i>		
3. Are there any findings of inadequacy from Federal investigative agencies? <i>If yes, please explain.</i>		
4. Does the facility have any findings of inadequacy from internal or external oversight bodies? <i>If yes, please explain.</i>		
5. The facility has staffing to cover all components of the facility's physical plant (including "Blind Spots" or areas where staff or residents may be isolated). <i>If yes, please explain.</i>		
6. The facility has staffing to cover the composition of the resident population (to include male, female and LGBTI). <i>If yes, please explain.</i>		

7. Does facility has staffing to cover the number and placement of supervisory staff. <i>If no, please explain.</i>		
8. Based on the shift the facility programming occurs, does the facility have the required staffing? <i>If no, please explain.</i>		
9. The facility meets applicable State, local laws, regulations, or standards that relates to security staffing. <i>If no, please explain.</i>		
10. The facility has included a yearly review of PREA substantiated and unsubstantiated incidents of sexual abuse, any other relevant factors in the security staff plan? <i>If n, please explain.</i>		
11. As part of your staffing plan, does the facility use the Community Correction Staff System (CCSS)?		

**Documentation of the Daily Staffing**  
*Community Correction Staff System (CCSS)*

The facility will enter into the Community Correction Staff System (database) the following staffing information daily.

1. Name of Facility
2. Date
3. Shift
4. Number of direct care staff
5. Shift Minimum Number
6. Number of Staff Reported
7. Statement/Reason why minimum was not met.

**Annual Staffing Adjustments**

When reviewing and/or updating the facility staffing plans for adjustments, the following is considered to assess, determine, and document whether adjustments are needed to:

1. Prevailing staffing patterns;
2. The facility’s deployment of video monitoring system and other technologies; and
3. The resources the facility has available to commit to ensure adherence to the staffing plan.

**Recommended Adjustments:**

Current number of direct security staff: \_\_\_\_\_

Additional direct security staff needed: \_\_\_\_\_

Does the current staff plan meet the required PREA ratio? (1:8 Awake & 1:16 Sleep Hours)    Yes        No

If no, please give details.

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Position/Title	Signature	Date
Assistant Director/Security		
Facility PREA Compliance Manager		
Facility Director		

**Approved or Disapproved of Recommended Adjustments:**

Position/Title	Signature	Yes	No	Date
Regional Administrator				
Assistant Deputy Commissioner/Security Facilities				
Agency PREA Coordinator				

*Notes:*

**Unannounced PREA Rounds**

PREA Policy requires staff to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds will cover all shifts and all areas of the facility. At least two unannounced rounds must be conducted after 12:30am and no later than 4:30am per month. Staffs are prohibited from alerting other staff of such rounds.

**Documentation must be detailed.**

Month/Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Staff Completing Round: \_\_\_\_\_

Staff Title: \_\_\_\_\_

**Detail Documentation of PREA Round**

## Cross-Gender Search Documentation

<b>Facility</b>	
<b>Name of Student</b>	
<b>Gender</b>	
<b>Date of Search</b>	
<b>Time of Search</b>	
<b>Search Method:</b>	
<b>Pat Down</b> _____ <b>Strip</b> _____ <b>Body Cavity</b> _____	
Reason For Search:	
<b>Points to Remember:</b> 115.315 Limits to cross-gender viewing and searches: <ol style="list-style-type: none"> <li>1. The facility <b>shall not</b> conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.</li> <li>2. The agency shall not conduct cross-gender pat-down searches except in exigent circumstances.</li> <li>3. The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.</li> <li>4. In facilities (such as group homes) that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.</li> <li>5. The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determine the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, 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.</li> </ol>	

Date Completed: \_\_\_\_\_

Staff Conducting the Search: \_\_\_\_\_ Signature: \_\_\_\_\_

*(Please Print)*

Supervisor: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_





## Prison Rape Elimination Act (PREA) Acknowledgement

**By signing this form, you are stating that you agree and will comply with Georgia Department of Juvenile sexual abuse and sexual harassment policies as summarized below.**

In accordance with the 2003 Prison Rape Elimination Act, the Department of Juvenile Justice (DJJ) has a zero tolerance policy for sexual abuse/assault or sexual harassment to any youth in our custody. The Department will have all reported incidents of sexual abuse/assaults investigated, and will address the safety and treatment needs of youth who have been sexually abuse/assaulted, and will discipline and prosecute those who sexually abuse/assault any youth.

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): Any employee, volunteer, contractor, vendor or intern can and will accept any information from a youth regarding sexual abuse, sexual assault or sexual harassment and will immediately report the information to one of the following: a facility staff member, the Georgia Network to End Sexual Assault (GNESA), Local Rape Crisis Center, Abuse, National Sexual Abuse Hotline, DJJ Tip line, GA DJJ Victim Services, GA DJJ Ombudsman Office or the Agency PREA Program Coordinator. A youth may feel more comfortable reporting sexual abuse or sexual harassment to someone other than a staff member and all individuals are legally bound to immediately report the information for further actions including medical and mental health treatment to the suspect, collection of evidence, criminal investigation, and other necessary procedures. Time is of the essence in reporting sexual abuse/assault and sexual harassment.

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): The general definition of sexual abuse/assault is engaging in, or attempting to engage in, a sexual act with any youth or the intentional touching of a youth's genitalia, anus, groin, breast, inner thigh, or buttocks, with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between a youth and a staff member, even when no objections are raised, are always illegal, and by law, considered non-consensual.

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): **Sexual abuse by a youth** – 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:

*Contact between the penis and vulva or the penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or their instrument; and any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, where the youth has the intent to abuse, arouse, or gratify sexual desire and excluding contact incidental to a physical altercation.*

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): **Sexual abuse by a staff/contractor /volunteer or intern** – includes any of the following acts, with or without consent of the youth:

*Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part where the staff/contractor/volunteer or intern has the intent to abuse, arouse, or gratify sexual desire; 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; 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; any attempt, threat, or request by a staff/contractor, or volunteer to engage in the activities describe in PREA standards. Any display by a*

*staff/contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth, and voyeurism by a staff/contractor/volunteer/or intern.*

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): **Sexual harassment – includes:**

1. *Repeated or 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 or unwelcome verbal comments or gestures of a sexual nature to a youth by a staff/contractor/volunteer or intern, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.*

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): **Sexual Misconduct** – any act of sexual abuse and/or sexual harassment as defined herein.

\_\_\_\_\_ (Staff/Volunteer/Contractor/Intern/Vendor/Tour Initials): **I have received and reviewed the Georgia Department of Juvenile Justice PREA Policy 23.1.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## Consent to Disclose Protected & Confidential PREA Related Information

The Georgia Department of Juvenile Justice is required by law to report all allegations (claims) of abuse, including all allegations of sexual abuse and sexual assault, whether or not the alleged incident occurred on DJJ Property or while you are in DJJ custody. The facility/program is required to report these allegations (claims) to the DJJ Office of Investigations and other DJJ Offices and Staff who need this information to investigate the alleged incident and to provide appropriate care and protection for you. The Department also has to report the alleged incident to the Department of Family and Children Services. DJJ Staff are mandated reporters, meaning they are required by Georgia Law to report.

You have the right to request that a victim advocate, qualified agency staff or qualified community based organization staff accompany you and provide support for you through the forensic medical examination process and investigative interviews and provide support, crisis intervention and referrals as needed or requested. You can request any staff you feel most comfortable with to accompany you.

I understand that while in DJJ facilities, I am under constant supervision by cameras-staff and that if necessary camera footage can be used as evidence if I am charged with a crime while here.

I have read or **staff has read** and explained all of the above information and answered to my satisfaction any questions or concerns I may have had regarding the above reporting and sharing of information requirements.

I \_\_\_\_\_, **under the age of 18 years**, acknowledge that any information regarding the alleged incident will be reported to and shared with the Department of Family and Children Services, the DJJ Office of Investigations and other individuals and staff, including off site and on site medical staff and others involved in providing for my care and treatment who have a need to know.

\_\_\_\_\_  
Youth's Name & Date

\_\_\_\_\_  
Witness Name & Date

I \_\_\_\_\_, being **18 years of age or older**, understand and acknowledge that any information regarding the alleged incident will be reported to and shared with DJJ Office of Investigations and other individuals and staff, including off site and on site medical staff and others involved in providing for my care and treatment and who have a need to know.

I have read all of the above information and staff have explained and answered to my satisfaction any questions or concerns I may have had. I understand that my consent, as confirmed by my signature below, is required to release any information regarding the alleged incident.

**Initial one statement only**

- I consent to releasing information regarding alleged incident (s): (initial) \_\_\_\_\_
- I do not consent to releasing information regarding alleged incident (s) (initial) \_\_\_\_\_

\_\_\_\_\_  
Youth's Name & Date

\_\_\_\_\_  
Witness Name & Date

### PREA Training Series

Training Title	Delivery Method
<b>Module 1: PREA- Overview of the Law and Your Role</b>	Online (1 hour)
<b>Module 2: Residents' Right to be Free from Sexual Abuse, Sexual Harassment and from Retaliation for Reporting</b>	Online (1 hour)
<b>Module 3: Prevention and Detection</b>	Online (1 hour)
<b>Module 4: Response and Reporting of Sexual Abuse and Sexual Harassment</b>	Online (1 hour)
<b>Module 5: Professional Boundaries</b>	Online (1 hour)
<b>Module 6: Effective and Professional Communication with Youth</b>	Online (1 hour)

### PREA Training Matrix

Staff Position	M-1	M-2	M-3	M-4	M-5	M-6
Executive Management	X	X	X	X	X	X
Assistant Deputy Commissioners, Deputy Directors	X	X	X	X	X	X
Central Office Program Directors, Regional Administrators, Program Coordinators, Facility Directors, Regional Coordinators, and Assistant Facility Directors	X	X	X	X	X	X
Training Staff & OCI Program Coordinator (s) and Analysts (All Field & Central Office Staff)	X	X	X	X	X	X
All Support Staff assigned to the Facilities, Community and Central Office	X	X	X	X	X	X
Security Staff, Youth Development Workers, HIT, SERT, & SMRT to include Part Time Staff	X	X	X	X	X	X
Transportation Officers Full and Part Time	X	X	X	X	X	X
Education Staff, Food Services Staff, and DJJ Maintenance Staff to included GCL	X	X	X	X	X	X
DJJ Part-Time Staff (Admin/Facility/Community)	X	X	X	X	X	X
Substitute Teachers	X	X	X	X	X	X
Behavioral Health Staff (Mental Health)/ to include contract staff	X	X	X	X	X	X
Medical Staff (Full Time) to include contract staff (Augusta University)	X	X	X	X	X	X
Behavioral Health and Medical Part Time to include contract staff	X	X	X	X	X	X
Facility Case Managers, Treatment Counselor, IPD, JDC, TTC	X	X	X	X	X	X
Part-time Clerical/Support Mental Health Clerk, Business , Manger Personnel Manager/Tech	X	X	X	X	X	X
JPPS Series and Officers	X	X	X	X	X	X
DD, ADD, JPM	X	X	X	X	X	X
Full time Clerical/Support (Community and Facilities)	X	X	X	X	X	X
Part time Clerical/Support	X	X	X	X	X	X
Volunteers Note: Must Sign Staff PREA Acknowledgement	X	X				
Contractors Note: Must Sign Staff PREA Acknowledgement	X	X	X	X	X	X
Interns Note: Must Sign Staff PREA Acknowledgement)	X	X	X	X	X	X
Office of Investigations Investigators	X	X	X	X	X	X
Intake Officers	X	X	X	X	X	X
Facility PREA Compliance Managers	X	X	X	X	X	X
Residential Providers (All Staff that has contact with DJJ Youth) or Trained by their Parent Agency/Company	X	X	X	X	X	X
ACA Auditors, PREA Auditors, Research Surveyors, etc., Review PREA Policy 23.1 and Must Sign Staff PREA Acknowledgement						



Georgia Department of Juvenile Justice

**Ley de Eliminación de Violaciones Sexuales de Prisión (PREA)**

**Declaración de Reconocimiento**

Nombre: \_\_\_\_\_ DJJ ID #: \_\_\_\_\_

He recibido y revisado la información de PREA provista por el Departamento de Justicia Juvenil.  
Entiendo lo siguiente:

1. DJJ no permite ningún tipo de actividades sexuales entre jóvenes.
2. DJJ no permite ninguna forma de actividad sexual con personal, contratistas, voluntarios o internos.
3. DJJ tiene una política de cero tolerancias con respecto a abusos sexuales y acoso sexual.
4. Si he sido una víctima o testigo de los abusos sexuales, si tengo conocimiento de algún incidente de abuso sexual o acoso sexual, puedo reportar estos incidentes o buscar alivio contra represarías mediante:
  - a. Completando un formulario de solicitud de ayuda
  - b. Mediante el proceso de queja
  - c. Dejando una nota en la caja del director
  - d. Contándolo a un consejero, al oficial de libertad condicional, personal de salud mental o médica, al director o subdirector, padre, tutor, capellán, ministro o cualquier otro adulto que pueda confiar.

Nombre Impreso: \_\_\_\_\_ Fecha: \_\_\_\_\_

Firma del Joven: \_\_\_\_\_

Nombre del personal a cargo de entregar información: \_\_\_\_\_

Fecha: \_\_\_\_\_

## Georgia Department of Juvenile Justice

<b>Resident Notification of Investigative Outcome</b>	
<b>Name of Resident</b>	
<b>Date</b>	
<b>Facility</b>	
<b>Date of Incident</b>	
Following an investigation into your allegation of:	
<input type="checkbox"/> Sexual Abuse	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Sexual Misconduct	
It has been determined that your allegation is:	
<input type="checkbox"/> Substantiated	<input type="checkbox"/> Unfounded
<input type="checkbox"/> Unsubstantiated	
<b>Definitions (Explain to Resident)</b>	
Substantiated	An allegation that was investigated and determined to have occurred.
Unfounded	An allegation that was investigated and determined not to have occurred.
Unsubstantiated	An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
<b>Notes:</b>	
If it has been determined that your allegation is substantiated, appropriate disciplinary sanctions have been applied.	
Following a juvenile's allegation that a staff member has committed sexual abuse against the juvenile, the agency shall subsequently inform the juvenile (unless the agency has determined that the allegation is unfounded) whenever:	
<ul style="list-style-type: none"> <li>a. The staff member is no longer posted within the juvenile's unit;</li> <li>b. The staff member is no longer employed at the facility;</li> <li>c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or</li> <li>d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.</li> </ul>	
Following a juvenile's allegation that he or she has been sexually abused by another juvenile, the agency shall subsequently inform the alleged victim whenever:	
<ul style="list-style-type: none"> <li>a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or</li> <li>b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.</li> </ul>	
I, <a href="#">Click here to enter text.</a> , do hereby confirm that I have notified youth, <a href="#">Click here to enter text.</a> , of the findings of PREA Investigation <a href="#">Click here to enter text.</a> . I attest that the above statement is true and valid to the best of my knowledge.	
_____	_____
Signature	Date

- a. The staff member is no longer posted within the juvenile's unit;
- b. The staff member is no longer employed at the facility;
- c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

- 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.

## Sexual Abuse Incident Review Team Meeting Minutes

*The facility Sexual Abuse Review Team will conduct a sexual abuse incident review within **10 days** of the conclusion of a PREA Investigation unless the allegation has been determined to be unfounded. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. (386)*

Facility Name: \_\_\_\_\_

PREA Incident (SIR) Number: \_\_\_\_\_

PREA Code	PREA Incident Date	Completion of Investigation Date	Completion of Review Date

Meeting Information:

Meeting Date	Time	Location	Members Present	Members Absent
			1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	

### Meeting Minutes

**Incident Overview Questions:**

1. Does polices needs to change to better prevent, detect, or respond to sexual abuse?
  
2. Was the incident motivated by race, ethnicity, gender identity, LGBT, or intersex identification, status, or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility?
  
3. Were there physical barriers in the area that enable the abuse?
  
4. Were any protective measures taken following the sexual abuse incident?

5. Were the staff levels adequate in that area during different shifts?
  
6. Should monitoring technology (CCVT) be deployed or augmented to supplement supervision by staff?
  
7. Was the incident immediately reported to supervisors and the Director?
  
8. Was the proper documentation completed for the incident?

**Action Taken:**

**Recommendation:** *(The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.)*

*I acknowledge that the above data/information is true and accurate.*

\_\_\_\_\_ Date: \_\_\_\_\_  
*Facility PREA Compliance Manager*

\_\_\_\_\_ Date: \_\_\_\_\_  
*Facility Director*

***A copy must be placed in the PREA Files for Review by Agency PREA Coordinator.***



# Georgia Department of Juvenile Justice

## Requirements of A PREA Case

All PREA cases must meet the Department of Justice definition of sexual abuse and sexual harassment.

Normal adolescent sexual behavior, such as masturbation in a private area when the youth has a reasonable expectation that he/she is not and will not be observed, is not considered a violation and does not require a PREA response. In addition, institutionalized behaviors such as exposure are not included in the Department of Justice definition of sexual abuse. Incidents of youth inappropriately touching staff are also excluded from the DOJ definitions of sexual abuse; although such incidents may constitute a violation of applicable state law.

In the spirit of PREA, the intent is to protect the youth from sexual abuse and sexual harassment.

The following codes meet the requirements of a PREA Case:

- (1) Youth-on-Youth Unwanted, nonconsensual, Coerced, or unable to consent or refused (Sexual Penetration – Rape)
  - (2) Youth-on-Youth Unwanted, nonconsensual or Coerced (Non- Penetration-Touching)
  - (3) Youth-on-Youth Sexual Harassment
  - (4) Staff-on-Youth (Sexual Penetration)
  - (5) Staff-on-Youth (Non- Penetration Touching)
  - (6) Staff-on-Youth Indecent Exposure
  - (7) Staff-on-Youth Sexual Harassment and/or Voyeurism
- **PREA Youth (PY)**
  - **PREA Staff (PS)**

Code	Description/Definition	Investigation Requirement	Commissioner’s Critical Information Requirement
<b>PY1</b>	<p><b>Youth-on-Youth Sexual Penetration (Regardless of age)</b></p> <p>Any sexual penetration of a youth by another youth that is <i>unwanted, nonconsensual</i>, or to which the youth is <i>unable to consent or refuse</i>. The sexual abuse included, if the victim does not consent, is coerced into such act by overt or implied threats of violence:</p> <p>A. Contact between the penis and the vulva, vagina or the penis and anus including penetration (however slight);</p> <p>B. Contact between the mouth and the penis, vulva, vagina, or anus;</p> <p>C. Penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument.</p>	<p>OI will investigate</p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p> <p>Report to DFCS within 24 hours if any of the youth are under the age of 18.</p>	<p><b>Critical Incident</b></p> <p><u>PY1-PY3</u></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>

	<p><u>Georgia Laws:</u></p> <ul style="list-style-type: none"> <li>➤ 16-6-1 Rape</li> <li>➤ 16-6-22.2 Aggravated Sexual Battery</li> <li>➤ 16-6-2 Sodomy; Aggravated Sodomy</li> <li>➤ 16-6-3 Statutory Rape</li> <li>➤ 16-6-15 Solicitation of Sodomy</li> </ul>		
<b>PY2</b>	<p><b>Youth-on-Youth Sexual Contact – Non Penetrative/Touching (Regardless of age)</b></p> <p>Any sexual penetration of a youth by another youth that is <i>unwanted, nonconsensual</i>, or to which the youth is <i>unable to consent or refuse</i> non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks of another youth without penetration; or by a youth of another youth without the latter’s consent, or of a youth who is coerced into sexual contact by threats of violence, or of a youth who is unable to consent or refuse. <b>Excluding</b> contact incidental to a physical altercation.</p> <p><u>Georgia Laws:</u></p> <ul style="list-style-type: none"> <li>➤ 16-6-22.1 Sexual Battery</li> <li>➤ 16-6-16 Masturbation for Hire</li> </ul>	<p><b>OI will investigate</b></p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p> <p>Report to DFCS within 24 hours if any of the youth are under the age of 18.</p>	<p><b>Critical Incident</b></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>
<b>PY3</b>	<p><b>Youth-on-Youth Sexual Harassment (Regardless of age)</b></p> <p><i>Repeated</i> 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 youth.</p>	<p><b>OI investigate</b></p> <ul style="list-style-type: none"> <li>• Youth mental status</li> <li>• Level of repeated advances</li> <li>• Bullying status</li> </ul> <p>OI may refer back to facility or community controlling office or placement for the facility director or community based supervisor to initiate the appropriate disciplinary action or sanction.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p>	<p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>
<b>PS1</b>	<p><b>Staff/Contractor/Volunteer-on-Youth Sexual Penetration</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; sexual penetration of a youth by a Staff Member, Contractor, Volunteer, or Intern with or without consent. The sexual acts included are:</p> <p>A. Contact between the penis and the vulva, vagina or the penis and the anus, including penetration, however slight;</p>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for</p>	<p><b>Critical Incident</b></p> <p><b>PS1-PS2</b></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p>



	<p>B. Contact between the mouth and the penis, vulva, vagina, or anus;</p> <p>C. 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;</p> <p>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 staff/contractor/Volunteer/Intern has the intent to abuse, arouse, or gratify sexual desire.</p> <p><b>Georgia Laws:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-1 Rape</li> <li>➤ 16-6-22.2 Aggravated Sexual Battery</li> <li>➤ 16-6-2 Sodomy; Aggravated Sodomy; Medical Expenses</li> <li>➤ 16-6-3 Statutory Rape</li> <li>➤ 16-6-5.1 Sexual Assault by Persons with Supervisory or Disciplinary Authority</li> <li>➤ 16-6-15 Solicitation of Sodomy</li> <li>➤ 16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Report to Commissioner immediately (thru chain of command).</b></p>
<p><b>PS2</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Sexual Contact - Non Penetrative/Touching</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; any intentional contact, non-penetrative touching directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to official duties or where the staff/contractor/volunteer/Intern has the intent to abuse, arouse, or gratify sexual desire. (i.e. Pat searches, etc.)</p> <p><b>Georgia Law:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-22.1 Sexual Battery</li> <li>➤ 16-6-5.1 Sexual Assault by Persons with Supervisory or Disciplinary Authority</li> <li>➤ 16-6-16 Masturbation for Hire</li> <li>➤ 16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Critical Incident</b></p> <p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>
<p><b>PS3</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Indecent Exposure</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; any display by a Staff member, Contractor, Volunteer, Intern of his or her uncovered genitalia, buttocks, or breast in the presence of a youth.</p> <p><b>Georgia Law:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-5 Enticing A Child for Indecent Purposes</li> <li>16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p>	<p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>

		<p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	
<p><b>PS4</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Voyeurism and/or Sexual Harassment</b></p> <p>In DJJ custody, on DJJ property, or at a community residential program when a Staff Member, Contractor, Volunteer, or Intern engages in any of the following behaviors:</p> <p><b>A. Voyeurism:</b> Invasion of a youth's privacy for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at a youth who is using the toilet in his or her cell/room; 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.</p> <p><b>B. Sexual Harassment:</b> Sexual advances, request for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by staff directed toward youth to include threatening comments. This includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.</p>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>

## PREA Retaliation Monitoring Sheet

Resident or Staff Being Retaliated Against:

(For at least 90 days following a report of sexual abuse, the facility will monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation).

Resident Name (Print)	Staff Name (Print)

**Charge (s) Reported:**     Sexual Abuse     Sexual Harassment     Bullying/Retaliation

Monitoring Information:

Date	Time	Shift

1. Are you experiencing any problems from other residents and/or staff since reporting these charges?  
 yes  No, If Yes, Explain.  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. Do you feel safe in the facility?  Yes  No, If No would you like to request to be moved and/or reassigned to another facility/office?  Yes  No, briefly explain reason why you aren't feeling safe.  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. Is there anything else that you would like for me to know as it pertains to you reporting this incident?  Yes  No  
 If yes please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>To Be Completed by PREA Retaliation Monitor and Director</b>
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- A. Is this resident on a Safety/Special Management Plan?  Yes  No, if no, when will one be created?  
 \_\_\_\_\_
- B. If a Plan isn't created immediately, within 2 hours of notification of imminent threat, what measures were put in place to protect resident until Plan could be completed? Please give detailed description of actions taken to ensure no further bullying and/or retaliation could occur to include who, what, when, where, how until Safety/Special Management Plan could be created. ***(Attach a copy of the Safety/Special Management Plan to this form).***
- C. What short and long term action have been or will be taken to protect the staff? Please attach a copy of all and any documentation to support action taken.
- D. If a move or reassignment of youth and/or staff is necessary please attach a copy of request and document location of youth and/or staff.

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Resident Name: \_\_\_\_\_

Monitor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please copy in the PREA Files for Agency PREA Coordinator Review.**

## Sexual Abuse Coordinated Team Response (Written Plan for Coordinated Response to Allegations of Sexual Abuse)

Facility Name: \_\_\_\_\_

The following is the facility written plan for the coordinate actions taken in response to an incident of sexual assault among staff first responders, medical, mental health practitioner, investigators, Facility PREA Compliance Manager, and Facility Leadership, to be taken in response to an incident of sexual assault.

Staff members will coordinate their response with other facility department upon receiving an allegation that a youth was sexually abused while in custody.

This procedure applies only to incidents of alleged sexual abuse that:

1. With 72 hours before after receipt of the allegation; and
2. Involve any of the following:
  - a. Contact between the penis and 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, however slight, by a hand, finger, object, or other instrument.

Procedures:

### 1. First Responders.

- A. Any staff member who receives an allegation from a youth that the youth has been sexually abused must immediately:
  - a. Separate the alleged victim and abuser.
  - b. Notify the on-duty supervisor and/or administrative duty officer;
  - c. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence to include perpetrators' room and clothing.
  - d. Request that the alleged victim and the perpetrator not take any actions that could destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. Water should be shutoff in both rooms to ensure water is not used / available to destroy evidence.  
  
**Note:** If the first responder is a non-direct care staff member, he or she is required to instruct the victim and perpetrator not to take any actions that could destroy physical evidence and they immediately notify direct care staff.
- e. Immediately contact Senior Staff on duty and notify Control Room Operator. Notification of control room must be done using a code and not call out in a way other youth can hear the radio transmission.
- f. Complete the Special Incident Report (SIR).

**2. Control Room Operator.**

- a. The Control Room Operator immediately contacts Senior Staff on duty, medical staff, Facility Leadership, and Mental Health Staff.

**3. Medical Staff.**

- a. Assessment of the victim's acute medical needs and notify the Facility Director of the allegation of sexual assault and assessment. Resident must be transported to a hospital or local facility for a forensic examination without delay.
- b. Explain the role of a victim advocate and offer the youth an outside victim advocate or staff member to be present during the exam (Mental Health Staff or Staff Member that the youth trusts).
- c. If the victim requests and outside advocate, notify the outside victim advocate according to the MOU establish by the Facility and the Office of Victim Services.
- d. Upon return from the hospital or forensic exam youth will be provide a copy of DJJ Victim Services contact card.

**4. Mental Health Staff.**

- a. Provides crisis intervention counseling or the victim may request an outside advocate. Offer the presence to the mental Health Staff if the youth request the presence of an advocate to be present during the forensic medical exam.
- b. Upon return from the hospital or forensic exam mental health staff will make sure the resident is classified and housed appropriately.

**5. The Administrative Duty Officer (ADO):**

- a. The alleged perpetrator is kept physically separated from the alleged victim, which:
  1. May involve referring the alleged perpetrator to another housing unit or facility if appropriate.
  2. Must involve developing a safety plan within 24 hours to ensure the alleged perpetrator has no contact with the alleged victim pending the outcome of the investigation. **If alleged perpetrator is not placed on pre-hearing confinement he/she must immediately be placed on a Special Management Plan/Safety Plan for protection of other residents as well as the perpetrator.**
- b. The crime scene is secured and the victim and perpetrator are prevented from taking any actions that may destroy physical evidence (such as washing/showering, changing clothes, brushing teeth, combing hair, or using the restroom) until an investigator arrives on the scene; and
- c. The incident is documented.

**6. Investigator (s).**

- A. Inform the victim of his or her rights under relevant policies, federal and state laws. Handle the custody of evidence.
- B. Assigned investigators from OI conduct investigations in accordance with applicable criminal and administrative investigative procedures.

- C. Interview the victim and any witnesses.
- D. Collect Evidence and control custody of evidence.

**7. Facility Leadership.**

Upon receiving a report of sexual abuse, the Director or his/her designees;

- A. Provide for any special needs the victim may have.
- B. Immediately report incident to Department of Family and Children's Services (Mandated Reporting).
- C. Ensure that the SIR Administrative Review is completed and SIR entered into SIR Database within 24 hours of the incident occurring or within 24 hours of first knowledge of the incident as required by Policy 8.5, Special Incident and Child Abuse Reporting.
- D. Notifies the alleged victim's parent/guardian of the allegation.
- E. Verifies that the alleged perpetrator was kept physically separated from the alleged victim was referred to Medical for assessment;
- F. Facility staff transport the alleged victim to a local hospital or clinic for a SANE or SAFE examination;
- G. Submits an Special Incident Report (SIR), within 24 hours after being notified by staff of the incident;
- H. Ensures that the appropriate Mental Health Staff;
  - Completes a safety plan and updates the Safe Housing Re-Assessment , for the alleged victim within 72 hours; and
  - Update the custody and housing for the alleged perpetrator within 72 hours; and
- I. Ensures the alleged perpetrator is transferred to another dorm or facility, if appropriate. Response to Allegations of Sexual Abuse.

**8. Sexual Abuse Coordinated Team Members.**

A. The Sexual Abuse Coordinated Team Members must include, at a minimum:

- The staff member who was the first responder;
- Medical and mental health professionals at the facility who were involved when the incident was reported;
- The OI investigator assigned to the case; in person or via telephone.
- The PREA compliance manager; and
- Facility leadership, including the director, assistant director (s), a shift supervisor (on duty at time of incident), and the Captain.

**B. The PREA compliance manager or director may serve as chair of the Team. They must re-convene the Team within 10 days after the completion of a PREA investigation by the Office of Investigation for case findings substantiated or unsubstantiated for all PS1, PS2, PS3, PS4, PY1 and PY2.**

C. The Team:

- Considers whether the incident or allegation was motivated by race, gender identity; ethnicity; identification or status as lesbian, gay, bisexual, transgender, or intersex; gang affiliation; or other group dynamics at the facility;
- Examines the area where the incident occurred and assesses whether physical barriers enabled the abuse to occurs;
- Reviews whether staffing level (i.e., ratios) in that area are adequate during all shifts;
- Assesses whether additional video monitoring is needed to supplement supervision by staff; and
- Considers whether the incident indicates a need to change policy, procedures, or practice.

D. The PREA Compliance Manager:

- Prepares a report that include the Team's findings and recommendations for improvement;

- Submit all minutes on DJJ 23.1 Attachment J, Sexual Abuse Coordinated Team Meeting Minutes. A copy of the minutes are forward to the following staff:

1. Director
2. Assistant Director of Security
3. Assistant Director of Programs
4. PREA File for Agency PREA Coordinator Review

- E. If the facility is unable to implement the committee's recommendations, the PREA Compliance Manager:

- Documents the reasons; and
- Forwards a copy to the following staff members:
  - o Director
  - o Agency PREA Coordinator
  - o Assistant Director of Security
  - o Assistant Director of Programs

***All members of the Sexual Abuse Coordinated Response Team names are listed below and signatures indicating that they understand their responsibilities.***

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_

Date Completed: \_\_\_\_\_