



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



Review the link to the DJJ PREA Policy and this DJJ PREA Policy Checklist for areas that must be addressed in the PREA Policy.

I. Definitions

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

- a. Identify a PREA Compliance Manager
 - o The position of the PREA Compliance Manager must be included in the organizational structure of the program.
 - o Only staff who serve in the position of mid-management or above in residential programs will be eligible to serve as the PREA Compliance Manager.
 - o Responsibilities of a PREA Compliance Manager

II. Supervision and Monitoring (115.313)

- a. Staffing Plan
- b. Documentation of deviations from the staffing plan
- c. Documentation of Unannounced Rounds
 - o Rounds should cover all shifts.

III. Limits to Cross-Gender Viewing and Searches (115.315)

- a. Policies and Procedures governing
 - o Pat-down searches of residents
 - o Strip Search and visual body cavity searches
 - o Log for Cross-gender pat down searches of residents to identify documentation of exigent circumstances.
 - o Policy prohibiting staff from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status.
 - o Training curricula regarding cross-gender pat-down searches and searches of transgender and intersex residents.
 - o Staff training logs.

IV. Residents with disabilities and residents who are limited English proficient (115.316)

- a. Policies/procedures regarding equal opportunity of disabled residents to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- b. Policies/procedures regarding equal opportunity of residents with limited English proficiency to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- c. Policy prohibiting use of resident interpreters, resident readers, or other types of resident assistants except in limited circumstances.

V. Hiring and promotion decisions (115.317)

- a. Policy on promotions and hiring of employees and contractors including policies governing criminal background checks and checks of child abuse registries.
- b. Policy governing criminal background records checks of current employees and contractors who may have contact with residents.
- c. Policy on promotions and hiring of employees and contractors including policies governing criminal background checks and checks of child abuse registries.
- d. Policy on promotions and hiring of employees and contractors including policies governing criminal background checks and checks of child abuse registries.
- e. Policy regarding the requirement complete criminal background checks at least every five years of current employees and contractors who may have contact with residents.
- f. Documentation of background records checks of current employees and contractors at five-year intervals when applicable.

VI. Upgrades to Facilities and Technology (115.318)

- a. Provide documentation on facility design, renovation, modification, or expansion.

VII. Volunteer and Contractor Training (115.332)

- a. Training curriculum for volunteers and contractors who have contact with residents.
 - o Complete all DJJ PREA Modules
 - o Complete Annual PREA Refresher Training
- b. All Contractors/Interns/Volunteers staff must complete and sign PREA acknowledgement form.

VIII. Resident Education (115.333)

- a. Program policy governing PREA education of residents.
- b. How to log those residents that received information at intake (e.g., resident signatures).
- c. Within 72 hours of intake, the provider 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.

IX. Specialized training: Medical and mental health care (115.335)

- a. Policy governing training of medical and mental health care practitioners around sexual abuse and sexual harassment.



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- X. Obtaining information from residents (115.341)**
- a. Program policy governing screening of residents (upon admission to a program or transfer to another program and reassessments).
 - b. Records for residents admitted to the facility for evidence of appropriate screening within 72 hours.
 - c. Screening instruments are used to determine the risk of victimization or abusiveness.
- XI. Use of Screening Information (115.342)**
- a. The program has documentation of use of screening information to inform housing, bed, work, education, and program assignments with the goal of with the goal of keeping all residents safe and free from sexual abuse.
 - b. Program policies prohibiting placing lesbian, gay, bisexual, transgender, or intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status, and prohibiting considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
 - c. Documentation of reassessment of programming. assignments for each transgender or intersex residents.
- XII. Resident Reporting (115.351)**
- a. The Community Residential Program has a policy governing resident reporting.
 - b. Methods ways a resident may report sexual abuse or seek relief against retaliation by:
 - o Contacting the local sexual assault center
 - o Calling the Department of Family and Childrens Services Hotline, 1-855-422-4453
 - o Telling a counselor, teacher, community case manager, Human Services Professional (HSP), Case Manager, Life Coach, medical, mental health staff (Therapist), Program Director, Parent/Guardian, Chaplain, Minister, or any trusted adult.
 - o Calling the DJJ Office of Victim Services, toll free at 1-866-922-6360.
 - o Writing the DJJ Ombudsman Office at the Central Office or calling toll free at 1-855-396-2978.
 - o Grievance Process (informal processes will not be utilized to attempt to resolve alleged incidences of sexual abuse).
 - c. Prominently post the DFCS and Rape Crisis Center Hotline numbers. All 800 abuse numbers must be accessible to youth.
- XIII. Exhaustion of Administrative Remedies (115.352)**
- a. Community Residential Policy govern resident grievances of sexual abuse.



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- b. Log any grievances that alleged sexual abuse and their final decisions.

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

- a. Residential Community Program has policies and/or procedures governing resident access to outside victim advocates for emotional support services related to sexual abuse.
- b. Resident handbooks or written materials prepared for residents pertinent to reporting sexual abuse and access to support services.
- c. Residential Community Program policies governing residents access to their attorneys, other legal representation, and parents or legal guardians.
- d. Establish a Memorandum of Understanding (MOU) with the nearest Rape Crisis Center to offer youth required services.

XV. Third Party Reporting (115.354)

- a. Publicly distributed information on how to report resident sexual abuse or sexual harassment on behalf of residents.
 - o 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 or by calling 1-855-396-2978.

XVI. Staff and agency reporting duties (115.361)

- a. Residential Community Program has a policy requiring all staff to comply with any applicable mandatory child abuse reporting laws.
- b. Residential Community Program has a policy governing the reporting by staff regarding incidents of sexual abuse or sexual harassment.
- c. Provide a process to document Sexual Abuse and Sexual Harassment Allegations.
- d. The Residential Community Program has a policy governing the agency’s protection duties when residents are subject to a substantial risk of imminent sexual abuse.
- e. Generate a documentation process related to the determination of residents’ substantial risk of imminent sexual abuse and agency response.

XVII. 115.362 Agency Protection Duties

- a. A policy governing the agency’s protection duties when residents are subject to a substantial risk of imminent sexual abuse.



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- XVIII. 115.363 Reporting to other confinement facilities**
- a. Policy regarding reporting of allegations of sexual abuse of residents while confined at another facility.
 - b. How to document allegations that a resident was abused while confined at another facility. Additional documentation of notifications, to verify they occurred within **72 hours** of receiving allegation.
 - c. Policy requiring that allegations of sexual abuse of residents received from other agencies or facilities are investigated.
 - d. Documentation of allegations from other facilities and documentation of response (i.e., evidence that allegation has been investigated).
- XIX. Staff First Responder Duties (115.364)**
- a. Policy on first responder duties when a staff member responds to sexual abuse allegation.
 - b. Policy to governing preservation and protect any crime scene until appropriate steps can be taken to collect any evidence.
- XX. Coordinated Response (115.365)**
- a. Residential Community Program shall develop a written Institutional Plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical, and mental health practitioners, investigators, and program leadership.
- XXI. Preservation of ability to protect residents from contact with abusers (115.366)**
- a. All collective bargaining agreements or other agreements entered or renewed since August 20, 2012, or since the last PREA audit, whichever is later.
- XXII. Agency protection against retaliation (115.367)**
- a. The Residential Community Program shall establish a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff, including policies on the monitoring of residents/staff following a report and agency response to suspected retaliation.
 - b. Establish a documentation process that shall include:
 - Documentation of any protective measures taken.
 - Documentation of any monitoring efforts.
 - Documentation of monitoring in case of residents.
 - Documentation of reports of retaliation and agency response
 - 1. When monitoring for retaliation the following should be observed:



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- a. The conduct and treatment of a resident or staff who reported the sexual abuse and sexual harassment.
- b. Resident disciplinary reports.
- c. Housing.
- d. Program changes.
- e. Negative performance reviews
- f. Reassignment of staff.

XXIII. Post Allegation Protective Custody (115.368)

- a. Policy that governs residents who allege to have suffered sexual abuse may only be placed in isolation as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until an alternative means of keeping all residents safe can be arranged.
 - o Establish a documentation process for residents who allege to have suffered sexual abuse who were placed in isolation received daily visits from a medical or mental health care clinician.

XXIV. Criminal and Administrative Agency Investigations (115.371)

- a. Establish a process on how to maintain Criminal and Administrative Investigation Reports.

XXV. Reporting to Resident (115.373)

- a. The Residential Community Program will have a policy governing resident who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency.

XXVI. Disciplinary sanctions for staff (115.376)

- a. Policy that governs staff disciplinary regarding violations of agency sexual abuse or sexual harassments.

XXVII. Corrective Action for contractors and volunteers (115.377)

- a. Policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.



Department of Juvenile Justice Prison Rape Elimination Act (PREA) Policy Checklist



- XXVIII. Interventions and disciplinary sanctions for residents (115.378)**
- a. Policy that requires residents to be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse.
- XXIX. Medical and mental health screenings: history of sexual abuse (115.381)**
- a. Policy that governs medical and mental health screening.
- XXX. Access to emergency medical and mental health services (115.382)**
- a. Policies and procedure regarding access to treatment services by resident victims of sexual abuse.
 - b. Establish a process for documentation demonstrating immediate notification of appropriate medical and mental health practitioners.
- XXXI. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers (115.383)**
- a. Policies and procedures governing ongoing medical and mental health care for sexual abuse victims and abusers.
- XXXII. Sexual Abuse Incident Reviews (115.386)**
- a. Policy on conducting sexual abuse incident reviews.