

Title

Prison Rape Elimination Act (PREA)

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Approved


Division Director


Date


Department Director


Date

Effective Date of Policy:

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DEFINITIONS

1. **Abuse or Neglect** - The injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child by a person responsible for providing care to a child.
2. **Criminal Investigations Unit** – The DAJD unit charged with investigating criminal incidents within DAJD facilities.
3. **Custodial Sexual Misconduct** – Department of Adult and Juvenile Detention (DAJD), Division of Youth Services(DYS) employees, volunteers, vendors, contract personnel, visitors and others with facility access are guilty of custodial sexual misconduct when engaged in any behavior or act of a sexual nature directed toward a detainee in a correctional institution or detention facility, with or without the detainee’s consent. This includes, but is not limited to, sexual assault, sexual harassment, obscenity and unreasonable or unnecessary invasion of privacy and conversations or correspondence that suggests a romantic or sexual relationship by any person mentioned above with a detainee.
4. **Fraternization** - To maintain contact with a detainee or a detainee's family after the detainee has been released from Juvenile Detention (the “facility”). In general, this is prohibited. However, DYS recognizes that Division staff who volunteer for youth/at-risk youth groups or participate in school events may come in contact with detainees outside of the facility. Such contact should be limited to the specific group or event and staff are required to report such contact with detainees or former detainees outside of the facility to the Chief of Operations or Division Director.
5. **Harborview Medical Center Emergency Department (HMCED)** – Medical and forensic evaluations after a sexual assault shall be conducted in the HMCER. Forensic exams should be done as soon as possible but no later than 120 hours after a sexual assault.
6. **Harborview Center for Sexual Assault and Traumatic Stress (HCSATS)** – The entity at Harborview Hospital specializing in services for victims of sexual assault. Services provided include advocacy, crisis intervention, psychosocial evaluations and therapy.
7. **Inappropriate Interactions** – Interactions between detainees or between detainees and staff that are unsafe, unprofessional, or of a sexual nature. Inappropriate interactions include, but are not limited to:
 - a. Fraternalization, as defined in #3, above;
 - b. Sexualized Work Environment, as defined in #18, below;
 - c. Over-familiarity;
 - d. Horseplay;
 - e. Violations of detainee rights, Department Policy, or other applicable laws and statutes governing behavior between detainees and staff.
8. **Internal Investigation Unit (IIU)** – The DAJD unit tasked with investigating DAJD staff misconduct.
9. **King County Sexual Assault Resource Center (KCSARC)** – A victim advocacy organization that provides crisis response, advocacy, and therapy for victims of sexual assault.

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10. Juvenile Detention Detainee Handbook - An informational handbook that is reviewed with and given out to all incoming detainees within 24 hours of being admitted to the facility. The handbook provides information about what detainees should expect during their stay, how to access health and mental health services, what the rules are, and what their rights are. Detainees are specifically advised that they shall not be subjected to any sexual abuse or sexual harassment, or retaliation, and how to report it.
11. Mandatory Reporters – Those individuals who must report abuse or neglect directly to law enforcement or to the Department of Social and Human Services. Mandatory reporters employed with, or contracted by, DYS include: medical and mental health practitioners, teachers, registered nurses, and Community Correction Placement Specialists.
12. Need to know – A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take actions with regard to a detainee's safety or treatment or to the investigative process.
13. Over-familiarity - The development of a personal relationship with a detainee. This includes but is not limited to providing personal information to the detainee, participating in social media (for example Facebook, MySpace, etc.) with a detainee, allowing the detainee to call staff nicknames or refer to staff as "mom" or "dad".
14. PREA (Prison Rape Elimination Act) – Is the federal act that addresses reducing prison rape. Specifically, PREA covers all forms of resident sexual abuse within any correctional facility, including state and federal prisons, county and municipal jails, police lock-ups, holding facilities, custodial (including police) transportation vehicles, juvenile facilities, and community corrections facilities.
15. Proactive Awareness – the expectation that all employees, volunteers, and contract workers are aware of their surroundings and are aware of unsafe conditions or inappropriate interactions between detainees, and between detainees and staff, including sexual abuse, sexual harassment and retaliation.
16. Security Check – action to account for a detainee's location and safety. Checks may be done via Youth Accountability Checklist, Night Shift Dorm Check List, Intake Youth Accountability Check List, and as directed by Medical, Mental Health staff, and/or by other special circumstance or programs.
17. Sexual Abuse – includes:
 - a) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 - b) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
18. Sexual Abuse by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus;
 - c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of any person, excluding contact incidental to a physical altercation.

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19. Sexual contact between detainees under the age of 18 is considered sexual abuse even when the detainee consents, when the victim:
- Is under 12 years old, and the older person is at least 24 months older;
 - Is at least 12 or under 14 years old, and the older person is at least 36 months older;
 - Is at least 14 or under 16 years old, and the older person is at least 48 months older.
20. Sexual Abuse by a staff member, contractor, or volunteer includes:
- 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 member, contractor, or volunteer 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 member, contractor, or volunteer to engage in the activities described in paragraphs (a) – (e) above;
 - 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.
21. Sexual Abuse Incident Review Committee (SAIRC) – Reviews all Department of Adult & Juvenile Detention (DAJD) PREA incidents (sexual abuse and sexual harassment). The SAIRC team shall include DAJD senior management, investigators, PREA Coordinator, PREA Compliance Managers, and Medical..
22. Sexual Harassment includes -
- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
 - Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
23. Sexualized Work Environment – A work environment in which the behaviors, dress, and speech of either staff and/or detainees creates a sexually charged workplace. This includes the displaying of pornography.
24. Staff – For the purposes of this policy, “staff” shall mean all agents of the Department of Adult and Juvenile Detention, to include employees, contractors, volunteers, and vendors.
25. Sexually Transmitted Infection (STI) – An infection that can be transferred from one person to another through sexual contact, kissing and oral-genital contact.
26. Voyeurism by a staff member, contractor, or volunteer- means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

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REFERENCES

1. Code of Conduct 1.03.008
2. Investigations, Incident and Preliminary Reports 6.4
3. Notification Requirement to Call (O.D.) Officer of the Day 6.10
4. Prison Rape Elimination Act of 2003 (PREA) (Federal)
5. Prison Rape Elimination Act 3.01.010 (Department Policy)
6. RCW.26.44.020, RCW.26.44.030, RCW.26.44.040, 9A.44.160 and 9A.44.170
7. Rights of Detained Youth 14.1
8. Youth Reporting Boxes 10.42
9. Washington State Sexual Assault Emergency Medical Evaluation Adult and Adolescent Guidelines (2010)

POLICY

1. It is the policy of the Department of Adult and Juvenile Detention (DAJD), Division of Youth Services (DYS) that detainee(s) at the Juvenile Detention facility (the "facility") shall be protected from neglect or abuse, including physical, sexual, and verbal abuse, or any situation contributing to such abuse, and sexual harassment, and housed in a manner that protects their health and welfare.
2. DAJD mandates zero-tolerance towards all forms of sexual abuse and sexual harassment. The occurrence of sexual abuse and sexual harassment undermines the public support of law enforcement, creates a hostile environment, and is not consistent with the department's mission of operating safe, secure, and humane detention facilities.
3. During the initial intake process, detainees shall receive information regarding DAJD's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Within 24 hours of intake, during orientation and assessment, DYS shall provide comprehensive age-appropriate education to detainees regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding policies and procedures for responding to such incidents. This shall occur through a face to face review of the Detainee Handbook, which shall be given to each detainee to keep and refer to. Unit staff shall review the contents of the Handbook with detainees at least once per week, including the right to be free from sexual abuse, sexual harassment and how to report such incidents.
4. All Division staff shall maintain a Proactive Awareness. Staff who have witnessed or suspect or have received information, including anonymously, that a detainee has suffered sexual abuse, neglect, or sexual harassment while in the facility or another facility or anywhere at the hands of DAJD employees, volunteers, or contractors shall promptly report such incidents to the Corrections Supervisor; Chief of Operations/Security, Health Services Administrator or Division Director ("Management"). The initial report may be verbal, but must be followed by a written report as directed by the Corrections Supervisors or Management, but in no case later than the end of the shift during which the harm was witnessed or suspected, or reported.
5. All mandatory reporters (medical and mental health practitioners, registered nurses, teachers, or Community Correction Placement Specialists) who are employed by or have a contractual relationship with DYS who have reasonable cause to believe that a detainee has suffered abuse or neglect shall report such incident to law enforcement or the Department of Social and Health Services (Child Protective Services). CPS does not investigate allegations of sexual abuse in institutions other than state institutions; however, CPS will notify law enforcement.

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6. Allegations covered under PREA (sexual abuse that is reported to have occurred in confinement settings such as adult or juvenile jails, prisons, police lock-ups, in police or correctional custody during transport) shall be reported directly to law enforcement.
7. Staff are prohibited from Inappropriate Interactions with detainees, as defined above under "Definitions" #7.
8. DYS shall develop, implement, and document a staffing plan for supervision and monitoring which protects against detainee abuse, including sexual abuse.
9. DYS employees, vendors, volunteers, visitors or contract personnel who, after investigation are found to have a sustained finding of custodial sexual misconduct shall be disciplined to the fullest extent possible, up to and including termination. The formal filing of criminal charges also may occur.
10. Retaliation in any form against any detainee, staff, witness, or victim who reports sexual abuse or sexual harassment, or other inappropriate behavior is prohibited. Corrections Supervisors will monitor the conduct or treatment of detainees while in the facility, and Corrections Supervisors, Chief of Operations/Security, and Health Services Administrator shall monitor the behavior and treatment of staff under their supervision that have reported sexual abuse/harassment or who have cooperated with such investigations for at least 90 days following their report or cooperation, for signs that suggest possible retaliation and will act immediately to remedy any such retaliation.
11. The DYS Director, or designee, shall ensure that all allegations of sexual abuse and sexual harassment covered under PREA are fully investigated, by law enforcement or an administrative investigation where appropriate.
12. Reports or allegations of sexual abuse or sexual harassment that prove to be maliciously false upon investigation may result in discipline and/or prosecution.
13. When the investigation has determined that the allegation is false, unsubstantiated or unfounded, the staff member under investigation shall be advised of the results.
14. DAJD shall maintain, collect and review data of sexual abuse or reports of sexual abuse.
15. All employees are trained regarding PREA upon hire and receive a refresher every two years.
16. All volunteers and contractors shall be trained regarding PREA and their responsibilities for reporting upon beginning work at the facility.
17. All medical and mental health providers shall receive specialized PREA training on an annual basis.
18. The Division Director, or designee, shall ensure, and yearly assess, that this policy is being followed to identify and deter sexual abuse and sexual harassment.

PROCEDURES

Responsible	Action To Be Taken
Intake Staff	1. Asks the detainee if the detainee has recently been sexually abused, specifically within the last 120 hours (5 days). This information may be asked at the time the Intake Health Screen is being administered, but this question shall be asked before allowing the detainee to shower or change clothes. This is to protect any evidence of the alleged sexual assault. The response shall be noted at the bottom of the Intake Health Screen.

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	<ol style="list-style-type: none"> 2. If detainee(s) answers "YES", Informs RN and Supervisor and keeps the detainee from taking any actions that could destroy physical evidence, including washing, brushing teeth, or changing clothes, and requests that the detainee refrain from urinating, defecating, drinking, or eating. Detainee shall be transported for forensic evaluation at HMCED, as soon as possible, but in no event later than two (2) hours.
<p>Health/Mental Health Staff</p>	<ol style="list-style-type: none"> 1. During initial health and mental health screening and the review of the Screening Report the Health Clinic Certified Nursing Assistant shall attempt to ascertain whether or not detainee has been a victim of sexual abuse, and whether the detainee may be vulnerable to sexual abuse, or victimize other detainees while in the facility. Brings any concerns regarding sexual abuse or potential victimization to the attention of the RN. 2. RN notifies Orientation and Assessment staff regarding concern of sexual abuse vulnerability or victimization for classification and housing purposes, and follows steps outlined in this policy if the detainee has been sexually abused.
<p>Orientation and Assessment Staff</p>	<ol style="list-style-type: none"> 1. Conducts a face to face review of the Juvenile Detention Detainee Handbook and the right to be free from sexual abuse and sexual harassment including the right to be free from retaliation for reporting such incidents. In addition, the review will include how to report such incidents and the facility's policies and procedures for responding to such incidents. 2. During classification screening obtains and uses information about detainee's personal history and behavior to reduce the risk of sexual abuse by or upon a detainee.
<p>Registered Nurse, Mental Health Staff, Community Correction Placement Specialists.</p>	<ol style="list-style-type: none"> 1. When there is reasonable cause to believe that a detainee has suffered abuse or neglect that is not covered under PREA , makes a report at the first opportunity to the Department of Social and Health Services (CPS), in accordance with RCW 26.44.030 and 26.44.040. This report is to be made orally over the telephone and documented in the medical record.
<p>All Juvenile Division staff, contractors, and volunteers</p>	<ol style="list-style-type: none"> 1. If a detainee discloses abuse or neglect that is not covered under PREA makes a referral to Detention Mental Health or RN as soon as possible but no later than the end of shift. 2. If a detainee discloses sexual abuse or harassment that is covered under PREA, or witnesses sexual abuse or sexual harassment, immediately notifies the Corrections Supervisor, or a member of Senior Management (Chief, Division Director or Health Services Administrator). The report may be made verbally, and in private, or directly to the person via private e-mail. If the report is made verbally, a written report of the allegation must be completed by the end of the shift during which the event was witnessed, suspected, or the information received. 3. In responding to a code or situation in which sexual abuse or other crime is being committed shall immediately separate the alleged victim and abuser; seal and preserve any crime scene; and keep the victim

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<p>All Juvenile Division staff, contractors, and volunteers (continued)</p>	<p>from taking any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes; and requests detainee refrain from urinating, defecating, drinking, or eating.</p> <ol style="list-style-type: none"> 4. Provides immediate first aid as needed, and ensures those injured are evaluated by the RN, including the suspect. 5. To protect the reputations and privacy of all persons involved, including the accuser, accused, and the alleged victim, all information relating to suspected abuse, neglect or custodial sexual misconduct, including verbal and written reports, shall be handled with the highest level of confidentiality at all points in the reporting and investigation process. Information will be limited to those with a bona fide need to know. 6. The written report, which may be completed via Incident Report, shall include, if known: <ul style="list-style-type: none"> • Name and age of the alleged victim(s); • Name and title of the alleged perpetrator; • The nature and extent of the alleged abuse, injury or injuries and/or alleged neglect; • Location of the incident; • Date and time of the incident; • Staff on duty at time; • Other witnesses; • Other pertinent information. 7. Staff must report to the Corrections Supervisor, Chief, Division Director or Health Services Administrator any retaliation against any detainee or other person who has reported sexual abuse or sexual harassment.
<p>Corrections Supervisor</p>	<ol style="list-style-type: none"> 1. Reports all allegations of sexual abuse covered under PREA to law enforcement. If a crime is being committed contacts 911. Otherwise, contacts SPD non-emergency at (206) 625-5011. 2. Ensures that no further harm comes to the victim(s) of sexual abuse or sexual harassment by such actions as immediately moving detainee(s) to another Living Unit, or placing staff at an alternate post. Ensures that the integrity and confidentiality of investigation is preserved. 3. Refers victim of sexual abuse to RN for assessment. Facilitates transportation to HMCER or HCSATS as indicated by RN. Shall be sensitive to possible trauma suffered by the victim and shall attempt to abide by detainee's gender presence for transporting JDO. 4. Refers victim of sexual harassment to Mental Health for assessment. 5. Refers alleged abuser to Mental Health for safety assessment. 6. Immediately notifies the Chief of Operations/Security or Division Director, if Chief is unavailable, for all reports of sexual abuse/harassment, or other serious staff misconduct. After business hours, notifies the Officer of the Day immediately. 7. Notifies the PREA Compliance Manager. 8. Notifies the DAJD CIU if a crime has been committed at the facility, and that law enforcement has been notified and secures the crime scene. Follows steps outlined in Policy 6.4 Investigations, Incident and Preliminary Report, Crime Scene Protocol. Notifies IIU alleged suspect

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<p>Corrections Supervisor (continued)</p>	<p>is a DAJD employee, volunteer, or contractor.</p> <ol style="list-style-type: none"> 9. Ensures all involved staff and other witnesses complete Incident Reports prior to leaving the facility at the end of the shift. Gets contact information for non-DAJD staff who may be witnesses. 10. Interviews victim(s) and requests a statement. If victim refuses, documents such refusal as part of the incident reports. 11. Completes Supervisor's Incident Report and the Preliminary Report prior to leaving the shift that day delivers report to the Division Director's Confidential Secretary. 12. Follows and documents steps on the Sexual Abuse and Sexual Harassment Checklists. 13. Monitors detainees (while in the facility) or others who have reported sexual abuse or sexual harassment for retaliation for 90 days (or longer if necessary) even if the report has been determined to be unfounded. Reports retaliation to the Chief or Division Director. 14. Conducts and documents unannounced rounds on every work shift to prevent staff sexual abuse or other misconduct.
<p>RN/Medical Provider</p>	<ol style="list-style-type: none"> 1. RN/Medical Provider assesses the victim, documenting the detainee's statement and other observations (for example, bruising) in the medical record. 2. When sexual abuse has occurred within 5 days (120 hours), makes immediate referral to HMCED for forensic evaluation (notifies ED Charge Nurse or ED MSW regarding alleged sexual abuse and request forensic evaluation), or HCSATS (during business hours). The abuser shall also be referred for forensic evaluation. 3. Informs victim of the duty to report the allegation and the limits to confidentiality in reporting a sexual abuse crime. 4. Refers victim for advocacy services, on-going counseling or other support services to HCSAT or KCSARC. Encourages the victim and abuser to refrain from taking any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating while at the facility. 5. If not offered at HMC provides detainee victims of sexual abuse access to pregnancy testing, STI testing, and all pregnancy related services, and other reasonable necessary medical care. 6. Refers both victim and abuser to internal Mental Health staff for services while in the facility. 7. Informs detainees that there is no charge for medical or mental health services.
<p>Mental Health</p>	<ol style="list-style-type: none"> 1. Evaluates detainee referred for sexual abuse or sexual harassment and offers on-going counseling and supportive services as needed while detainee remains in the facility. 2. Coordinates on-going therapy and services for detainee as appropriate at HCSATS or KCSARC. 3. Upon referral, evaluates detainee abusers and advises O&A staff regarding potential for continued abuse while in the facility. Refers detainee sexual abusers to the Probation Officer and/or Juvenile Justice Assessment Team for a mental health evaluation and treatment options.

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<p>Chief of Operations/ Security</p>	<ol style="list-style-type: none"> 1. Immediately notifies the Division Director in cases of sexual abuse, sexual harassment covered under PREA, or other instances of serious staff misconduct. If unable to contact the Division Director, notifies the DAJD Deputy Director or Department Director. 2. Ensures that steps have been taken to prevent further harm to the victim. Steps may include, but are not limited to: moving an employee to another post or assignment, moving a detainee to another unit, or putting an employee on administrative leave. 3. Ensures that the integrity and confidentiality of the investigation is preserved. 4. Ensures that the police have been notified regarding all PREA sexual abuse allegations. 5. Ensures that the Corrections Supervisor has notified CIU, or in the case of staff misconduct, notifies DAJD IIU. 6. Advises IIU Commander of any retaliation against detainees or others who report sexual abuse or sexual harassment. 7. For prevention, ensures that Corrections Supervisors conduct regular, unannounced rounds on the Detention floor on all shifts. The Chief also periodically conducts unannounced visits to the facility and detention floor to deter sexual abuse or other misconduct of detainees.
<p>Division Director or Designee</p>	<ol style="list-style-type: none"> 1. Ensures that the following are notified of any allegations of sexual abuse occurring in the facility: <ol style="list-style-type: none"> a. Immediately notifies victim's parents/guardian unless there is official documentation indicating that the parents/legal guardians should not be notified; b. Within 14 days notifies the juvenile's attorney. 2. If the allegation of sexual abuse occurred while the detainee was confined at another institution notifies the head of the facility where the alleged abuse occurred in writing (and keeps a record of such notification), within 72 hours after receiving the allegation. 3. Participates in DAJD Sexual Abuse Incident Review Committee. 4. Ensures that data is collected and securely maintained regarding any allegation of sexual abuse at the facility and a report is made to the Department of Justice via the DAJD PREA Coordinator no later than June 30 of each year.
<p>Confidential Secretary</p>	<ol style="list-style-type: none"> 1. Enters Incident Reports into the Incidents Reports Database and assigns an Incident Number. 2. Forwards copy of report to investigative body (CIU/SIU/IIU) as directed by the Division Director. Investigative body enters incident into PREA log at the Department. 3. All original documents are to be stored at the Juvenile Division. 4. Department PREA Coordinator prepares annual report of all Department wide PREA incidents and posts the information on the Department website. 5.

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<p>Volunteer Coordinator</p>	<ol style="list-style-type: none">1. Ensures that all volunteers and contractors who have contact with detainees have been trained on their responsibilities under DYS's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.2. Ensures that all volunteers and contractors who have contact with detainees shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.3. Maintains documentation confirming that volunteers and contractors understand the training they have received.
<p>Training Coordinator</p>	<ol style="list-style-type: none">1. Ensures that all employees receive a PREA refresher training at least every two years.2. Maintains records documenting the trainings.