

Category: Prison Rape Elimination Act (PREA)
Policy #: 17.6
Subject: Official Response Following a Resident Report
Purpose: To establish guidelines for the staff and agency reporting duties following a report of sexual abuse in the Juvenile Detention Center.

I. Staff and Agency Reporting Duties

1. FBCJPD requires all staff to report immediately to their immediate supervisor any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurs in the FBCJDC, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. FBCJPD shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
3. Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, Chief Juvenile Probation Officer (JPO) JPO, Division Director, lead officers, supervisors, and PREA Coordinator/ Investigator, to make treatment, investigation, and other security and management decisions.
4. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (1) of this section, as well as to the designated State or local services agency where required by mandatory reporting laws.
5. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.
6. Upon receiving any allegation of sexual abuse, the division director or his or her designee shall promptly report the allegation to the PREA Coordinator/Investigator, Chief JPO and to the alleged victim's parents or legal guardians, unless the FBCJDC has official documentation showing the parents or legal guardians should not be notified.
7. If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
8. If a juvenile court retains jurisdiction over the alleged victim, the Chief JPO, Division Director or their designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.
9. FBCJDC shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the PREA Coordinator/Investigator.

II. Agency Protection Duties

1. Program participants, other complaining parties, employees, interns, and volunteers of FBCJPD shall be protected against retaliation for reporting an incident of sexual abuse or sexual harassment or cooperating with an investigation of sexual abuse or sexual harassment. Protective measures may include but are not limited to:
 - A. Housing changes or transfers for program participant victims or abusers,
 - B. Removal of alleged program participant or employee, intern, or volunteer abusers from contact with victims,
 - C. Emotional support services.
2. Following a report of sexual abuse, the supervisors or administrators of the program in which the sexual abuse was reported and in which the victim of sexual abuse is participating shall monitor for any changes which may suggest possible retaliation by program participants or employees, interns, or volunteers. Such monitoring shall continue for an indeterminate amount of time but no less than 90 days following the report of sexual abuse. Monitoring may include the following but is not limited to:
 - A. Any program participant discipline reports,
 - B. Housing changes,
 - C. Program changes,
 - D. Periodic status checks,
 - E. Negative staff performance reviews, or
 - F. Staff reassignments.
3. Should any employee, intern, or volunteer at FBCJPD detect any conduct that would suggest retaliation they shall immediately notify their immediate supervisor and division director or administrator with sufficient authority to remedy any such retaliation. Such retaliation shall be grounds for immediate administrative action up to and including termination. Such monitoring may terminate upon the determination that the allegation of sexual abuse is unfounded or after 90 days and no retaliation has been detected.
4. When FBCJPD learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident. Action may include housing change or transfer, and emotional support services.

III. Reporting to Other Confinement Facilities

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.

2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. FBCJPD shall document that it has provided such notification.
4. The Chief JPO, Division Director or their designee that receives such notification shall ensure that the allegation is investigated in accordance with these standards.
5. Any such allegation shall also be reported to TJJD within 24 hours of receiving such allegations.

IV. Staff First Response Duties

1. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:
 - A. Separate the alleged victim and the alleged perpetrator by housing or supervision in a manner favorable to the alleged victim. The alleged victim shall be under the full constant observation of staff. Separation shall continue until the completion of an internal investigation.
 - B. Place all juveniles into their individual housing unit if the alleged sexual assault took place in the unit.
 - C. Secure the location of the alleged sexual assault by posting staff to insure no forensic Evidence is tampered with
 - D. Alleged Victim Care:
 - 1) Manage emergency medical issues
 - 2) Ensure the safety of the victim
 - 3) Ensure privacy and confidentiality
 - 4) Request the alleged victim does not take any action that could destroy physical evidence such as showering, changing clothes, washing hands, urinating, defecating, brushing teeth, smoking, drinking or eating until consented to by law enforcement.
 - 5) Obtain a written statement if appropriate
 - E. Alleged Perpetrator:
 - 1) Ensure the alleged perpetrator does not take any actions that could destroy physical evidence such as showering, changing clothes, washing hands, urinating, defecating, brushing teeth, smoking, drinking or eating until consented to by law enforcement.
 - 2) When appropriate, ensure suspension or re-assignment
 - 3) Obtain a written statement
 - F. Evidence Collection:
 - 1) Gather and preserve direct and circumstantial evidence, including any physical and DNA evidence and any available electronic monitoring data.
 - 2) Photograph the scene

- 3) Photograph the alleged victim if appropriate
- 4) Document times, date, location, parties involved
- 5) Obtain written statements

2. If the first on scene is not trained in first responder procedures, the staff member shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify a trained first responder.

V. Coordinated Response

FBCJPD shall develop and maintain 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 facility leadership.

VI. Preservation of Ability to Protect Residents from Contact with Abusers

(a) Neither the FBCJPD nor any other governmental entity responsible for collective bargaining on behalf of FBCJPD shall enter into or renew any collective bargaining agreement or other agreement that limits the FBCJPD's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

2. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:

A. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.372 and 115.376 PREA Juvenile Standards; or

B. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

VII. Agency Protection Against Retaliation

1. The FBCJPD shall 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 and shall designate which staff members or departments are charged with monitoring retaliation.

2. The FBCJPD employs multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

3. For at least 90 days following a report of sexual abuse, the FBCJPD shall 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.

Items the agency will monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. FBCJPD shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

4. In the case of residents, such monitoring shall also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, FBCJPD shall take appropriate measures to protect that individual against retaliation.
6. FBCJPD's obligation to monitor shall terminate if it is determined that the allegation is unfounded.

VIII. Post-allegation Protective Custody

Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.

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Date

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Date

Adopted by the Juvenile Board: 6/10/2015
Date