

CASCADE COUNTY JUVENILE DETENTION CENTER		POLICIES AND PROCEDURES	
CHAPTER: Admissions and Discharges		POLICY NO: 4.4	PAGES: 1 OF 5
SUBJECT: Prison Rape Elimination Act (PREA)		SIGNATURE: Shanna Bulik-Chism, MS/CJ	
ORIGINAL ISSUE DATE: February 2, 2007		RELEVANT STANDARDS: PREA Public Law; ARM 20.9.602, 20.9.619, 20.9.635; ACA 2C-02-01, 3A-21, 3D-06-2-6, 3-6, 8-10; MCA 45-5-501, 45-5-502	
MOST RECENT REVISED DATE: February 19, 2020			

I. **POLICY:** The Juvenile Detention Center has a zero tolerance for any type of sexual abuse/sexual harassment between youth, staff and youth, or service providers/contractors and youth, regardless of consensual status. This type of behavior is prohibited, and all allegations, regardless of the source, will be fully investigated. The Center will pursue disciplinary action, and refer for criminal investigation/prosecution, those who violate these requirements.

II. **DEFINITIONS:**

- A. **Consensual Sex Act:** Consensual sex between youth, youth and staff, or youth and service providers is not allowed and will be addressed by the Center's and/or County's disciplinary procedures. If applicable, criminal charges may be filed.
- B. **Direct Staff Supervision:** Means any security staff that are in the same area, and within reasonable hearing distance of the youth.
- C. **Gender Identity:** A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.
- D. **Gender Nonconforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.
- E. **Grooming Behaviors:** Actions by the perpetrator to set up the victim for sexual contact and is part of the aggressor's pre-assault pattern. It is a way of gauging victim responses to intrusive behaviors, directions, or boundary violations.
- F. **Intersex:** A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of male or female.
- G. **Nonconsensual Sexual Act:** Any sexual penetration by one person with another person in which the other person involved does not freely consent or cannot consent due to age or mental capacity to participate in sexual activity, and/or the relationship between the persons is unequal, or manipulation, exploitation, coercion, verbal or physical intimidation, or force is used to gain participation. Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.
- H. **Nonconsensual Sexual Contact:** Non-penetrative touching directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks perpetrated by another offender if the victimized offender does not consent or is mentally incapable of consent, or is perpetrated by an employee, contractor, or volunteer, unless the act is part of a lawful search.
- I. **NR:** No Roommate Status. Classification for youth signifying they are not to be housed in the same cell with other youth.
- J. **Service Providers:** Includes contracted persons, volunteers, interns, or other vendors providing services in the facility.
- K. **Sexual Assault/Abuse:** Sexual abuse of a youth by another youth, or sexual abuse of a youth by a staff or service provider.
- L. **Sexual Aggressor/Victimization Predictor Scales:** A risk assessment questionnaire given to all new intakes immediately upon admission. The results of the assessment are intended to ascertain a potential risk for victimization, aggression or No Roommate designation.
- M. **Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures or actions of a derogatory or offensive sexual nature by one person directed toward

- another.
- N. **Staff First Responders:** The first staff member to respond to the report of allegations made of sexual abuse or sexual harassment.
 - O. **Substantiated Allegation:** An allegation that was investigated and determined to have occurred.
 - P. **Transgender:** A person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth.
 - Q. **Undue Familiarity:** A term describing inappropriate actions between staff and youth such as flirting, making suggestive sexual remarks, off colored jokes, etc.
 - R. **Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.
 - S. **Unsubstantiated Allegation:** An allegation that was investigated, but there was not enough evidence to determine whether the event occurred.
 - T. **Youth-on-Youth Sexual Assault:** For the purpose of this policy, this means one or more youth engaging in, or attempting to engage in unwanted sexual contact with another youth by force, the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more youth aimed at coercing and/or pressuring another youth to engage in a sexual act.

III. PROCEDURES: The PREA Coordinator/Administrator will be responsible to identify, monitor, and track staff and youth sexual misconduct. Detention Officers will provide the supervision necessary to ensure that the youth in their care, custody or control, are protected from sexual abuse and sexual harassment.

- A. **First Responder Duties: (*Complete First Responder Checklist*)** All occurrences or allegations of sexual assault within the Center will be referred to an appropriate medical facility (Benefis or Great Falls Clinic) for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in management of victims of sexual assault. An investigation will be conducted and documented whenever a sexual assault is alleged, threatened, or occurs.
 1. Staff will take immediate action to intervene in the behavior and ensure the safety of all persons involved.
 2. **Separate the victim from the offender.**
 3. **Address the need for Acute Medical Treatment.**
 4. **Preserve/Protect Crime Scene. Secure the scene and do not clean up the scene or the victim until directed to by law enforcement or the Administrator. (Refer to Policy 3.10).**
 5. **Immediately contact the PREA Coordinator or designee for further direction.**
 6. **Request that the victim and the offender do not take any action that could destroy evidence (washing, brushing teeth, urinating, defecating, changing clothes, eating/drinking, etc.).**
 7. *If the first responder is not an employee (i.e.: volunteer), they are to request that the person they are speaking with, whether the victim or the offender, not take any actions that could destroy evidence, and then immediately notify an Officer.*
 8. Administration and law enforcement will work together to determine the sequence of actions once the report has been made.
- B. If during the Intake/Admission process a youth states that they have been the victim of an outside sexual assault prior to arrest, refer to Policy 5.8 on Reporting and Investigation of Abuse/Neglect.
- C. **Training:** All staff and service providers will receive orientation training to gain the insight and skills necessary to recognize and address the warning signs of sexually abusive or assaultive behavior, as well as the appropriate interventions necessary when they become aware of such behavior. All staff and service providers will sign off that they understand PREA reporting requirements, and this documentation will be maintained in their personnel file. Training will include but not be limited to:
 1. The Center's zero-tolerance for sexual abuse and sexual harassment.
 2. Staff and service provider responsibility to prevent, detect, respond, and report

- sexual abuse/harassment.
 - 3. Youth's rights to be free from sexual abuse and sexual harassment.
 - 4. How to report allegations or suspicions of sexual abuse and sexual harassment.
 - 5. How to avoid inappropriate relationships with youth
- D. **Youth Education:** During admission, staff will communicate to youth, verbally and in writing, in an age-appropriate and easily understandable fashion, the youth's right to be free from sexual abuse/harassment.
- 1. Youth will be read the PREA Pamphlet from the digital recorder, to provide the youth with information in:
 - a. Prevention/intervention.
 - b. Self-protection.
 - c. How to report sexual abuse/harassment.
 - d. Treatment and counseling.
 - e. The Center's zero tolerance for sexual activity, abuse, or harassment.
 - f. Consequences for false reporting.
 - 2. Youth will be given a PREA pamphlet, and this will be documented on the Youth Orientation/PREA Acknowledgment form and maintained in the youth's file.
 - 3. PREA posters will be visible in all areas of the facility that youth have access to.
- E. **Prevention and Intervention:** During the booking process staff will conduct a face-to-face PREA screening with all youth to determine potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Staff will then complete the Sexual Aggressor/Victimization Predictor Scale by using information obtained during the PREA screening, intake interview, and review of records to ascertain whether the youth requires special housing and precautions monitoring. The PREA screening and predictor scales will be maintained in the youth's file.
- 1. Confirmed Victims (CV) or Potential Victims (PV) of Sexual Assault will be identified with a note on the outside of the youth's file and on the dry erase board next to the youth's name and cell assignment.
 - 2. The Mental Health Detention Officer will contact a Mental Health or other qualified professional (i.e.: Contract Nurse) to assess youth identified as at-risk for sexual victimization. The placing agency will be contacted prior to an outside referral, since they are ultimately responsible for payment. Youth identified as at-risk for sexual victimization will be identified, monitored, and counseled.
 - 3. Confirmed Sexual Aggressors (CSA) and High-Risk Sexual Predators (HRSP) will be identified with a note on the outside of the youth's file, and on the dry erase board next to the youth's name and cell assignment.
 - 4. The daily behavior of all youth shall be monitored and evaluated as part of an on-going identification of risk.
 - 5. Youth identified as likely to engage in sexually abusive or assaultive behavior or be at risk of sexual victimization will be placed on NR status, given a single cell, or be placed in the visiting room, Suicide Assessment Cell (SAC), holding or brown room for further observation.
 - a. NR will be taped to the front of the youth's file and will be placed on the dry erase board next to the youth's name and cell assignment.
 - b. All staff will be informed of the youth's status to ensure the protection of the youth, other youth in detention, staff, and the community.
 - 6. A youth's sexual identity will not be used as an indicator of the likelihood of being sexually abusive. Should a youth identify as being lesbian, gay, bisexual, transgender, etc., the staff will consider on a case-by-case basis housing and programming decisions to ensure their health and safety, and whether the

placement would present management or security problems. Staff will be sensitive to the youth's own views with respect to their own safety.

7. Staff will closely monitor all youth interactions and will pay special attention to the interactions of sex offenders, due to the increased potential for sexually abusive behaviors in that population.

F. **Youth Reporting:** The Center will provide multiple internal ways for youth to privately report sexual abuse/assault or harassment.

1. Reports can be made directly to the Administrator or Compliance Supervisor, or to any Center staff, nurse, teacher, service provider, etc.

2. The Center shall provide at least one way for youth to report to an outside public or private entity or office that is not part of the Center and is able to receive and immediately forward youth reports to Administration. Victim Witness, Voices of Hope and ICE will allow youth to remain anonymous upon request.

a. The mailing address and telephone numbers of these outside agencies will be posted next to youth phones throughout the facility. Calls to these agencies will not be deducted from the 2 phone calls/day that youth can make.

G. **Staff Reporting:** Staff witnessing or having knowledge of an act which may constitute abuse under the PREA standards are required to immediately report the incident. Failure to report will be considered a serious violation, and disciplinary action will be taken up to and including termination, and/or criminal/civil liabilities.

1. Upon knowledge or suspicion that staff, service providers, or youth have abused or neglected a youth in any manner, the staff will immediately report the information to the Shift Supervisor and Administration.

2. The Administrator/PREA Coordinator or designee will promptly report the allegation to the Cascade County Sheriff's Office (CCSO). The CCSO will notify the Department of Health and Human Services (DPHHS) if necessary. These contacts will be documented on the incident report.

a. Within 24 hours, Administration will notify: The Licensing Specialist, the County Attorney, youth's probation officer, and parents/legal guardians. Notification to the parent/guardian will include only the nature of the allegation and general information regarding the investigation and the status of the youth. These contacts will also be documented on the incident report.

b. If the alleged victim is under the guardianship of DPHHS, the report will be made to the caseworker instead of the parent.

3. The staff reporting the information will complete an incident report before leaving shift.

a. If there are visible signs of injury, staff will take pictures of the injury, except in cases where the injury is to the genitals/breasts.

b. The incident report, any pictures or victim/witness statements will be placed in the Administrator's box in a sealed envelope marked CONFIDENTIAL and maintained by the Administrator.

H. **Internal Response Plan:**

1. The Administrator will activate an internal investigation to determine whether staff actions or failures to act contributed to the abuse. An internal investigation will immediately cease upon the discovery of criminal activity or suspected criminal activity. The internal investigation does not replace the investigation by Law Enforcement.

2. Staff will fully cooperate with any investigation of abuse and neglect.

3. Confidentiality must be maintained. An accusation of abuse is extremely serious

and can affect the professional and personal future of staff. Staff is prohibited from releasing any confidential information related to abuse of any type to anyone not directly involved in the investigation, and only to the extent necessary, to make treatment, investigation, and other security and management decisions.

4. When disciplining staff for violations of this policy, the nature and circumstances of the acts committed, the staff member's disciplinary history, and those sanctions imposed for comparable offenses by other staff with similar histories will be taken into consideration. Substantiated allegations of conduct that appear to be criminal will be referred for prosecution. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

- I. **Disciplinary Sanctions for Youth:** Youth who have been found to have engaged in inappropriate sexual behavior will receive sanctions taking into consideration the following:
 - 1. The nature and circumstance of the sexual behavior.
 - 2. The youth's disciplinary history.
 - 3. Whether the youth's age, immaturity, cognitive abilities and/or mental illness contributed to their behavior.
- J. **Retaliation:** Administration will not tolerate retaliation against offenders, employees, or other parties for reporting or cooperating with an investigation.
- K. **False Reporting:** Substantiated and deliberate false reporting by youth or other parties will result in disciplinary action and possible criminal charges. If a report was made in good faith, based upon a reasonable belief that the alleged conduct occurred, it is not considered false reporting or lying, even if the investigation did not establish enough evidence to substantiate the allegation.
- L. **Retention of Records:** The Center will retain all records (incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling) for 5 years. Records will be maintained in locked file cabinets with access limited to Administration.