



Prison Rape Elimination Act

PREA Standard:

SUBJECT: 14.1 PREA Definitions

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

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Purpose:

To establish guidelines for the Douglas County Youth Center to reach compliance with the Prison Rape Elimination Act.

Definition:

The Prison Rape Elimination Act of 2003 (PREA) is a federal initiative to establish a nationwide standard of zero tolerance for the incidence of Resident/Juvenile and offender sexual assault and rape. Further, the legislation makes the prevention of Resident/Juvenile and offender sexual assault a top priority in penal institutions and under community supervision. The legislation also sets data collection and reporting standards that will be mandated once they are developed.

§ 115.6 Definitions related to sexual abuse.

For purposes of this part, the term—

Sexual abuse includes—

- (1) Sexual abuse of an Resident/Juvenile by another Resident/Juvenile; and
- (2) Sexual abuse of Resident/Juvenile by a staff member, contractor, or volunteer.

A. Sexual abuse of a Resident/Juvenile by another Resident/Juvenile 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

B. Sexual abuse of a Resident/Juvenile by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the Resident/Juvenile:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;



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(2) Contact between the mouth and the penis, vulva, or anus;

(3) 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;

(4) 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;

(5) 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;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a Resident/Juvenile, and

(8) Voyeurism by a staff member, contractor, or volunteer.

C. Voyeurism by a staff member, contractor, or volunteer means: an invasion of privacy of a Resident/Juvenile by staff for reasons unrelated to official duties, such as peering at an Resident/Juvenile who is using a toilet in his or her cell to perform bodily functions; requiring an Resident/Juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a Resident/Juvenile naked body or of an inmate performing bodily functions.

D. Sexual harassment includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one Resident/Juvenile directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to a Resident/Juvenile 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.



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For purposes of this part, the term—

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines Resident/Juveniles, including the implementation of policy as set by the governing, corporate or nonprofit authority.

Agency head means the principal official of an agency.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the Resident/Juvenile.

Employee means a person who works directly for the agency or facility.

Exigent circumstances means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex means 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 sex development.

Juvenile means any person under the age of 19, unless under adult court supervision and confined or detained in a prison or jail.



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Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of a Resident/Juvenile by an employee to determine whether the individual possesses contraband.

Resident/Juvenile means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual Resident/Juveniles may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows Resident/Juveniles access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.



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Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.



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PREA Standard: 115.311

SUBJECT: 14.2 Prevention and Detecting Sexual Abuse and Harassment; PREA Coordinator

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Policy:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

Zero Tolerance

A. Douglas County Youth Center mandates zero tolerance towards all forms of sexual abuse and sexual harassment. Sexual abuse of a Resident/Juvenile and sexual harassment of a Resident/Juvenile are prohibited. (The rest of this chapter will outline the DCYC’s approach to preventing, detecting, and responding to this conduct.) [115.311a]

B. Douglas County Youth Center has designated a PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards. The PREA Coordinator shall be the Compliance Coordinator, or someone designated by that person, in writing. [115.311(b)]

Applicability:

To all staff, volunteers and contract personnel working with Resident/Juvenile under departmental control or supervision.

IV. Policy:

It is the policy of the Douglas County Youth Center that:

A. A safe environment for staff and Resident/Juveniles assigned to supervision in the community is established and maintained. DCYC takes a proactive approach to preventing sexual abuse and/or sexual misconduct of Resident/Juveniles and addresses the needs of Resident/Juveniles who have been sexually assaulted. Violators shall be subject to disciplinary action and potential criminal prosecution, if appropriate.

B. Staff will be provided information regarding PREA and will receive training on this policy at new hire orientation and during annual in-service training in order to keep staff current with any updates to the Prison Rape Elimination Act, their responsibilities and how to proceed.

C. All Resident/Juveniles will be provided a copy of the PREA Juvenile Offender Orientation for Newly Committed Juvenile Offenders document. For Resident/Juveniles the notice will be included in the Resident/Juvenile handbook and will become part of Resident/Juvenile orientation.



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PREA Standard: 115.313

SUBJECT: 14.3 Supervision and Monitoring

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Policy:

The PREA Coordinator, and the Superintendent create and revise a staffing plan to provide for adequate levels of staffing. Resident/Juveniles shall be checked by supervisors using unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Procedure:

A. The PREA coordinator, and the Superintendent create and revise a staffing plan to provide for adequate levels of staffing, and where applicable, video monitoring, to protect Resident/Juveniles against sexual abuse. When calculating adequate staffing levels and determining the need for video monitoring, the following is taken into consideration [115.313(a)]:

1. Generally accepted juvenile detention and correctional practices
2. Judicial findings of inadequacy
3. Findings of inadequacy from federal investigative agencies
4. Findings of inadequacy from internal or external oversight bodies
5. All components of the facility's physical plant, including "blind spots"
6. Composition of Resident/Juvenile population
7. Number and placement of supervisory staff
8. Facility programming occurring on individual shifts
9. State and local laws, regulations, and standards
10. Prevalence of substantiated and unsubstantiated incidents of sexual abuse

B. DCYC shall comply with the staffing plan except during limited and exigent circumstances and shall document deviations from the plan during such instances.[115.313(b)]

C. When warranted, but no less frequently than once per year, the PREA Coordinator, Superintendent and Detention Manager will assess, determine, and document whether adjustments are needed to:
[115.313(d)]

1. The staffing plan established by the PREA Coordinator and Superintendent.



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2. Prevailing staffing patterns
3. Use of video monitoring systems
4. Resources available to ensure adherence to the staffing plan.
5. DCYC shall maintain a staffing level of 1 staff to 8 Resident/Juveniles during waking hours.
6. DCYC shall maintain a staffing level of 1 staff to 16 Resident/Juveniles during sleeping hours.

D. Supervisors will conduct daily unannounced rounds throughout the facility to identify and deter staff sexual abuse and sexual harassment. [115.313(e)]

1. Staff is prohibited from alerting other staff members that these rounds are being conducted.
2. Rounds should cover all shifts and all areas of the facility
3. Rounds must be documented by the supervisors on the unit Supervisor log.
4. The PREA Coordinator shall review documentation of completed rounds.



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PREA Standard: 115.315

SUBJECT: 14.4 Transgender viewing and searches

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Policy:

The Federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juveniles sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance, and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment

Procedure:

- A. Cross gender strip searches and body cavity searches conducted by DCYC staff is prohibited. If necessary, such as in exigent circumstances, these searches will be conducted by an off-site qualified medical practitioner. [115.315(a)]
- B. Cross gender pat down searches are prohibited. If necessary, such as exigent circumstances, these searches will be conducted by a qualified medical practitioner [115.315(b)]
- C. Resident/Juveniles shall be allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine safety checks. [115.315(d)]
- D. Staff members will announce their presence and gender by pressing the doorbell button located in the sally port before entering the unit dayrooms as well as when entering an area where Resident/Juveniles are likely to be showering, performing bodily functions or changing clothing. [115.315(d)]
- E. It is strictly prohibited for staff to strip search or physically examine a transgender or intersex Resident/Juvenile for the sole purpose of determining genital status. [115.315(e)]
 - 1. The Operations Manager, the PREA Coordinator, and the Resident/Juvenile should be consulted before making the decision on what sex a staff needs to be to perform the strip search. Medical and mental health consults will be utilized if necessary.
 - 2. Medical records and conversations with the Resident/Juveniles can also aid in determining the sex of a Resident/Juvenile. If necessary, a broader medical examination can be conducted in private by a qualified medical practitioner to aid in determining a Resident/Juvenile's sex.
 - 3. All medical exams should be conducted in private by a qualified medical practitioner.
- F. DCYC staff shall be informed on the prohibition of cross-gender searches and medical personnel shall be trained on how to conduct searches of Resident/Juveniles in case of exigent circumstances. [115.315(f)]



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PREA Standard: 115.316

SUBJECT: 14.5 Disabilities and Limited English Proficient with PREA

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I. Policy:

Resident/Juveniles with disabilities and Resident/Juveniles who are limited English proficient shall have equal opportunity to participate in or benefit from all efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

II. Procedure:

1. DCYC will ensure that Resident/Juveniles with physical and/or mental disabilities are instructed on the facility’s efforts to prevent, detect and respond to sexual abuse and harassment. Staff will assist in meeting this requirement by reading the facility’s PREA policy to visually impaired Resident/Juveniles. Staff will provide PREA Refresher Training Program material to hearing impaired. Facility educators will also be available to instruct Resident/Juveniles with learning disabilities. §115.316(a).
2. DCYC will ensure that Resident/Juveniles who are limited English proficient are instructed on the facility’s efforts to prevent, detect, and respond to sexual abuse and harassment. The facility will meet this requirement by providing translated copies of the DCYC’s orientation manual which addresses the PREA policy. When available, bi-lingual staff can also be provided to assist Resident/Juveniles. §115.316(b).
3. DCYC will not rely on Resident/Juvenile interpreters, Resident/Juvenile readers, or other types of Resident/Juvenile assistance to explain PREA policy and procedures to other Resident/Juveniles. §115.316(c).



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PREA Standard: 115.317

SUBJECT: 14.6 Hiring and Promotional Decisions

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Policy:

DCYC hiring/promoting practices will be in compliance with National PREA Standards.

Procedure:

A. Hiring and promotion decisions

1. DCYC shall not hire or promote anyone who may have contact with juveniles, and shall not enlist the services of any contractor who may have contact with juveniles that have engaged in sexual abuse at a prison, jail, lock up, community confinement facility, juvenile facility, or other institution.
2. DCYC shall not hire or promote anyone who may have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent to refuse.
3. DCYC shall not hire or promote anyone who has been civilly or administratively adjudicated to have engaged in the activity of sexual abuse or harassment.
4. DCYC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with juveniles.
5. DCYC will complete a thorough criminal background records check on all potential applicants before hire, to include consulting any child abuse registry maintained by the State of Nebraska.
6. DCYC will make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignations during pending investigation of an allegation of sexual abuse.
7. DCYC shall also perform a criminal background records check and consult applicable child abuse registries before enlisting the services of any contractor who will have contact with juveniles.
8. DCYC will conduct criminal background records checks at least every five years of current employees and contractors who will have contact with juveniles.
9. DCYC shall ask all applicants and employees who will have contact with juveniles directly about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of review of current employees.



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PREA Standard: 115.317

SUBJECT: 14.6 Hiring and Promotional Decisions

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Continued:

- 10. DCYC shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- 11. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- 12. DCYC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law.
- 13. Refer to Civil Service Article 6 Section 8 for the Douglas County Policies on Hiring and Promotion



Prison Rape Elimination Act

PREA Standard: 115.318

SUBJECT: 14.7 Upgrades to Facilities and Technology

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Policy: In compliance with PREA standards, DCYC will have discussions about facility upgrades that will help prevent sexual abuse and sexual harassment within the facility.

Upgrades to facilities and technologies:

1. DCYC incorporates the use of video monitoring systems to aid in its sexual abuse prevention, detection, and response efforts.
2. DCYC periodically conducts an assessment outlining the feasibility of and the need for, new or additional video monitoring technology throughout the detention center and develops a plan for securing such technology when needed.
3. Digital surveillance files or tapes are retained for no less than 30 days.



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PREA Standard: 115.321

SUBJECT: 14.8 Evidence Protocol and Forensic Medical Examination

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I. Policy:

It is imperative that DCYC use recommended protocol when investigating a sexual abuse or sexual harassment report. DCYC must have a policy in place to ensure that all allegations of sexual abuse or harassment are investigated by an agency with legal authority to do so.

II. Procedure:

A. Evidence protocol and forensic medical exams.

1. The Douglas County Sheriff’s Department having jurisdiction over an alleged incident of sexual abuse, will be contacted for this purpose immediately whenever DCYC receives information that a sexual assault has occurred that involve any juvenile in its care, custody or control.
2. The Douglas County Sheriff’s Department, having jurisdiction, shall be asked to follow the requirements of Prison Rape Elimination Act.
3. Douglas County Sheriff’s Department will coordinate transportation of the victim for medical care, as needed; and a forensic examination performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) will be available to the victim per the investigating agency's evidence gathering protocols, at no cost to the victim.
4. As requested by the victim, the Douglas County Sheriff shall make available a victim advocate from the Project Harmony Crisis Center. The advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
5. A memorandum of understanding between DCYC and the Project Harmony Center shall be kept on file.

B. Referrals of allegations for investigations

1. All allegations of sexual abuse or sexual harassment will be investigated. The Detention Manager or designee will determine if the investigation will be administrative or criminal.
2. If an allegation involves potentially criminal behavior, it will be immediately referred to the Douglas County Sheriffs Office.

- a. Douglas County Sheriff’s Office shall make the determination whether a forensic examination is needed in addition to a forensic interview.



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PREA Standard: 115.321

SUBJECT: 14.8 Evidence Protocol and Forensic Medical Examination

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b. All juveniles must be interviewed by a certified forensic interviewer which will be arranged through Douglas County Sheriff's Office. At no time shall staff or medical personnel interview the victim or suspect concerning the allegations until forensic interviews are completed.

c. Efforts should be made to preserve possible evidentiary items which may include bedding clothing etc. Preservation may also involve having the victim abstain from wiping, defecating or bathing.

d. All evidence and related items will be turned over to and stored at Douglas County Sheriff's Department.

C. Immediate steps shall be taken to respond to a sexual assault.

1. Any employee that is a witness to or has knowledge of any sexual activity, assault and/or rape shall take immediate steps to stop the activity/assault, separate the participants (aggressor/victim), and report it to a supervisor or administration staff.

2. Any employee, contractor, or volunteer that receives a report of a sexual assault or the potential for sexual assault, whether verbally or in writing, shall immediately notify the shift supervisor.

a. Victim shall be kept separate from the alleged aggressor. Victims of sexual assault will be treated in a sensitive and nonjudgmental manner.

b. The supervisor shall ensure the crime scene is secure.

3. The supervisor or designee shall immediately notify:

a. On-site medical staff.

b. Douglas County Sheriff's Department.

c. PREA Coordinator

d. Detention Manager



SUBJECT: 14.8 Evidence Protocol and Forensic Medical Examination

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4. Appropriate emergency care shall be provided.

a. Life saving efforts *always* take priority over evidence collection.

Detention/Medical staff shall not wait for professional emergency responders before providing CPR or attempting to stop severe blood loss, etc.

b. To avoid unnecessary destruction of vital evidence, provide life saving emergency aid only. Staff shall direct the youth not to urinate, shower, wash, or disinfect affected areas.

c. Staff shall take care to collect, document, and preserve items used during emergency aid that may also contain biological evidence (bodily fluids, hair, etc.).

D. Preservation of Evidence

1. Detention and/or medical staff shall advise the youth not to urinate, shower or otherwise clean themselves. If the assault was oral, youth will not be allowed to drink or brush their teeth, or otherwise take any action that could damage or destroy evidence.

2. To avoid compromising valuable evidence, supervisors shall secure the scene of the assault, pending investigation by the Douglas County Sheriff’s Office.

3. Law enforcement officers shall collect and assume custody of evidence specimens collected at DCYC.



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PREA Standard: 115.322

SUBJECT: 14.9 Referrals of Allegations for Investigations

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Policy: For criminal investigations, the Douglas County Sheriff’s Department will be called immediately. DCYC will work closely and simultaneously with the Douglas County Sheriff’s Department. For internal investigations, the Operations Manager at the Douglas County Youth Center or designee will begin the investigation and determine the need for law enforcement involvement.

A. Investigations

1. When DCYC conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, DCYC shall use the Douglas County Sheriff’s Department investigators who have special training in sexual abuse investigations involving juvenile victims.
3. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. The DCYC shall not terminate an investigation solely because the source of the allegation recants the allegation.
5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person’s status as Resident/Juvenile or staff. No agency shall require a Resident/Juvenile 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.
6. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
7. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and includes copies of all documentary evidence where feasible.
8. Substantiated allegations that appear to be criminal shall be referred for prosecution.



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PREA Standard: 115.322

SUBJECT: 14.9 Referrals of Allegations for Investigations

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9. DCYC shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by juvenile Resident/Juvenile and applicable law requires a shorter period of retention.

10. Departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

11. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

12. When outside agencies investigate sexual abuse, DCYC shall cooperate with the Douglas County Sheriff's Office and shall endeavor to remain informed about the progress of the investigation.



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PREA Standard: 115.331

SUBJECT: 14.10 Employee Training

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Policy:

It is the DCYC policy to ensure that all employees, volunteers, and contractors receive PREA training and education.

Procedure:

A. Employee training:

1. DCYC trains applicable employees to fulfill their responsibilities under DCYC sexual abuse policies and procedures, the PREA standards, and under relevant federal, state, and local law.
2. DCYC maintains a PREA instructor.
3. DCYC approved PREA training provides employees with the knowledge and skills needed to:
 - a. Understand zero tolerance for sexual abuse and sexual harassment;
 - b. Prevent sexual abuse from occurring;
 - c. Identify signs that sexual abuse may be occurring;
 - d. Take appropriate actions when they learn of recent or historical incidents of sexual abuse;
 - e. Communicate effectively and professionally with all juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming Resident/Juveniles;
 - f. Understanding a juvenile's right to be free from sexual abuse;
 - g. Understand the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
 - h. Understand the dynamics of sexual abuse in confinement;
 - i. Detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
 - j. Avoid inappropriate relationships with juveniles;
 - k. Comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;



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SUBJECT: 14.10 Employee Training

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Continued:

1. Relevant laws regarding the applicable age of consent.

4. Training will be tailored to the unique needs and attributes of juveniles in the facility.

5. New employees will be provided this training at the time of orientation.

6. Current employees will receive a minimum of two hours of PREA training annually.

7. Employees' understanding of training will be documented through employees' signature. Said documentation will be filed in the training records.

B. Specialized training: Medical and Mental Health Care

1. All medical and mental health staff assigned to the DCYC will receive training in:

a. Detecting and assessing signs of sexual abuse and sexual harassment;

b. Preserve physical evidence of sexual abuse and sexual harassment,

c. Responding effectively and professionally to young victims of sexual abuse and sexual harassment;

d. Reporting allegations of sexual abuse and sexual harassment;

e. Zero tolerance for sexual abuse and sexual harassment;

f. Preventing sexual abuse from occurring;

g. Identifying signs that sexual abuse may be occurring

h. Taking the appropriate actions when they learn of recent or historical incidents of sexual abuse;

i. Communicating effectively and professionally with all juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming Resident/Juveniles;

j. Understanding the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;



Prison Rape Elimination Act

PREA Standard: 115.331

SUBJECT: 14.10 Employee Training

Prepared by: Policy Committee

Revision date: 3/1/2017

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Nature of revision: Annual review

Continued:

- k. Understanding the dynamics of sexual abuse in confinement;
- l. Understanding the common reactions of sexual abuse and sexual harassment victims;
- m. Detecting and responding to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
- n. Avoiding inappropriate relationships with juveniles;
- o. Complying with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

2. Employees' understanding of training will be documented through employees' signature. Said documentation will be filed in the training records.



Prison Rape Elimination Act

PREA Standard: 115.332

SUBJECT: 14.11 Volunteer and Contractor Training

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of the DCYC to ensure that all employees, volunteers, and contractors receive PREA training and education.

Procedure:

A. Volunteer and Contractor training:

1. DCYC ensures that all volunteers and contractors who have contact with juveniles have been trained on their responsibilities under DCYC’s sexual abuse policies and procedures, the PREA standards, and relevant federal, state, and local law.
2. All volunteers and contractors who have contact with juveniles must be notified of DCYC’s zero-tolerance policy regarding sexual abuse and will be provided the PREA Volunteer understanding sign off sheet.
 - a. Documentation will be maintained by the DCYC Training Coordinator.
3. PREA zero-tolerance signs will be available in the main lobby of the facility.
4. All visitors, volunteers, and contractors will sign in on the log acknowledging their understanding of DCYC’s zero-tolerance policy. This signature sheet will be maintained in the reception’s log book.
5. Juvenile court employees, detention staff, contract personnel, and volunteers are required to:
 - a. Immediately inform detention management should any reasonable suspicion arise that a juvenile is or has been a victim of abuse, sexual misconduct, or any violation of PREA.
 - b. Report or cause reports to be filed with law enforcement or Child Protective Services.
6. Failure of a juvenile court employee, detention staff, contract personnel, or volunteers to report incidents of suspected abuse is considered a violation of PREA and/or criminal or civil law.
7. Any person who is a juvenile court employee, detention staff, contract personnel, or volunteer who violates this policy or fails to report a suspected violation of PREA may be subjected to administrative action, up to and including termination of employment, civil damages, and prosecution for a violation of Nebraska Revised Statutes.



Prison Rape Elimination Act

PREA Standard: 115.333

SUBJECT: 14.12 Juvenile Training

Prepared by: Policy Committee

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Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to ensure that all employees, volunteers, and contractors receive PREA training and education.

Procedure:

A. Juvenile Education:

1. During intake processing, juveniles shall be given a comprehensive PREA training explaining, in an age appropriate fashion, the DCYC's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual harassment.
2. The juvenile will also be provided with a Handbook during intake. This handbook will be reviewed with the juvenile by the booking officer.
3. The juvenile will sign the Intake Orientation Sheet acknowledging they understand and agree with the DCYC PREA policy. This form will be maintained in the juvenile's file.
4. PREA posters in English and Spanish will be visible in all areas of the facility that juveniles have access too.
5. Juveniles who are Limited English Proficient (LEP), or deaf must receive these instructions in a manner which they can understand.



Prison Rape Elimination Act

PREA Standard: 115.334

SUBJECT: 14.13 Specialized Training: Investigations

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

The Douglas County Sheriff’s Department will conduct all investigations on sexual assault allegations of juveniles, DCYC staff, and volunteers.

Procedure:

Specialized training: Investigations

1. The Douglas County Sheriffs Department must receive training in conducting such investigations in confinement settings.
2. Specialized training shall include 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 cause for administrative action or prosecution referral.
3. Documentation of such training shall be maintained in the employee training file and/or available upon request through the Douglas County Sheriff’s Training Coordinator.



Prison Rape Elimination Act

PREA Standard: 115.335

SUBJECT: 14.14 Specialized Training: Medical and Mental Health Care

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to ensure that all employees, volunteers, and contractors receive PREA training and education.

Procedure:

Specialized training: medical and mental health care

1. All medical and mental health staff assigned to the DCYC will receive training in:
 - a. Detecting and assessing signs of sexual abuse and sexual harassment;
 - b. Preserve physical evidence of sexual abuse and sexual harassment;
 - c. Responding effectively and professionally to young victims of sexual abuse and sexual harassment;
 - d. Reporting allegations of sexual abuse and sexual harassment;
 - e. Zero tolerance for sexual abuse and sexual harassment;
 - f. Preventing sexual abuse from occurring;
 - g. Identifying signs that sexual abuse may be occurring;
 - h. Taking the appropriate actions when they learn of recent or historical incidents of sexual abuse;
 - i. Communicating effectively and professionally with all juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming Resident/Juveniles;
 - j. Understanding the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
 - k. Understanding the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
 - l. Understanding the dynamics of sexual abuse in confinement;
 - m. Understanding the common reactions of sexual abuse and sexual harassment victims;
 - n. Detecting and responding to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;



Prison Rape Elimination Act

PREA Standard: 115.335

SUBJECT: 14.14 Specialized Training: Medical and Mental Health Care

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Continued:

- o. Avoiding inappropriate relationships with juveniles;

- p. Complying with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

- q. Acknowledging relevant laws regarding the applicable age of consent.



Prison Rape Elimination Act

PREA Standard: 115.341

SUBJECT: 14.15 Screening for Risk of Victimization and Abusiveness

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to implement a screening assessment at the time of intake to make informed decisions regarding assignments and placements of all detained youth.

Definitions:

Classification Assessment: A youth assessment completed at time of intake that allows officers to make an informed decision regarding assignments and placements of detained youth.

Intersex: A condition present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.

Transgender: A term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.

Procedures:

A. During intake, detention staff will conduct a classification assessment of each juvenile, utilizing the approved classification questionnaire.

B. The following information will be obtained by interviewing the juvenile, and by reviewing detention behavioral records, and other relevant documentation from the juvenile's files: [115.341(a)(b)(c, 1-11)]

1. Age.
2. Physical size and stature.
3. Current charges and offense history.
4. Self reported physical disabilities.
5. Self reported issues regarding his/her own sexual orientation or gender identity that may pose a threat to personal safety and welfare.
6. Any other specific information about individual Resident/Juveniles that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other Resident/Juveniles.

C. Refer to DCYC Policy and Procedure Chapter 11.3 Admissions



Prison Rape Elimination Act

PREA Standard: 115.342

SUBJECT: 14.16 Use of Screening Information

Prepared by: Policy Committee	Revision date: 3/1/2017	
Approved by: Superintendent	Version: 02	Issue date: 4/1/2017
Nature of revision: Annual review		

Policy:

It is the policy of DCYC to implement a screening assessment at time of intake to make informed decisions regarding assignments and placements of all detained youth

Procedures:

A. Screening, identification, monitoring, and counseling of youth with history of sexual victimization or sexually aggressive behavior.

1. Upon arrival, youth shall be screened for risk factors that include reports of prior victimization, sexually predatory behavior, current/past violent criminal charges, or current/past sexualized behavior.
2. Youth identified as at-risk for either predatory behavior or victimization will be assigned to a cell with single occupancy.
3. The daily behavior of all youth shall be monitored and evaluated as part of an on-going identification of risk.

B. If the screening indicates that a youth has experienced prior sexual victimization, regardless of where it occurred, staff shall refer the youth to the LMHP's or Psychologist.

C. If the screening indicates that a youth has previously perpetrated sexual abuse, regardless of where it occurred, staff shall refer the youth to the LMHP's or Psychologist.

D. Medical and/or mental health staff shall report prior sexual victimization to Child Protective Services (CPS) immediately.

E. All information received related to sexual victimization or abuse that occurred in a setting outside of detention shall be strictly limited to medical and mental health staff and other staff as deemed necessary in order to make informed decisions regarding housing, program assignments, etc.

F. Detention staff will use the information obtained during the intake process to classify all juveniles and place them into appropriate housing units and cells with the goal of keeping all Resident/Juveniles safe and from sexual abuse.

G. Lesbian, gay, bisexual, transgender, or intersex Resident/Juveniles shall not be placed in a particular room or unit solely on the basis of such identification or status, nor shall detention officers consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.

1. When determining assignments for a transgender or intersex youth, the determining factor to be considered is whether a placement would ensure the youth's health and safety, and if this assignment would present management or security problems.



Prison Rape Elimination Act

PREA Standard: 115.351

SUBJECT: 14.17 Resident/Juvenile Reporting

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to establish mechanisms for youth and staff to report sexual abuse and sexual harassment allegations in safe and efficient manner

Definitions:

Grievance: A complaint submitted by a youth alleging injustice or violation of protected rights.

Sexual Abuse: Encompasses (1) youth-on-youth sexual abuse, (2) youth-on-youth sexual harassment, (3) staff-on-youth sexual abuse, and (4) staff-on-youth sexual harassment.

Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one person directed toward another.

Procedure:

A. Youth Reporting.

1. DCYC shall provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. DCYC shall also provide at least one way for youth to report abuse or harassment to a public or private entity or office that is not part of DCYC and that is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to DCYC officials, allowing the youth to remain anonymous upon request. Youth detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
 - a. Information will be available in each housing unit and intake.
 - b. Information can be found in the Resident/Juvenile handbook.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. Locked PREA drop boxes will be available throughout the facility.
 - a. Staff shall document on a confidential incident report.



Prison Rape Elimination Act

PREA Standard: 115.351

SUBJECT: 14.17 Resident/Juvenile Reporting

Prepared by: Policy Committee

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Nature of revision: Annual review

Continued:

4. DCYC shall provide youth with access to tools necessary to make a written report.
5. DCYC shall provide a method for staff to privately report sexual abuse and sexual harassment of youth.
 - a. Staff can arrange a private meeting with the Detention Manager, PREA Coordinator, or utilize the employee suggestion box.
6. This information will be reviewed with youth at time of intake.



SUBJECT: 14.18 Exhaustion of Administrative Remedies

Prepared by: Policy Committee	Revision date: 3/1/2017	
Approved by: Superintendent	Version: 02	Issue date: 4/1/2017
Nature of revision: Annual review		

Policy:

It is the policy of DCYC to establish mechanisms for youth and staff to report sexual abuse and sexual harassment allegations in safe and efficient manner

A. Exhaustion of administrative remedies.

1. DCYC shall not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse. [115.352(b)(1)]
2. DCYC may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. DCYC shall not require a youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. [115.352(b)(3)]
4. Nothing in this section shall restrict DCYC’s ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired.
5. DCYC shall ensure that:
 - a. A youth who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint.
 - c. Locked PREA drop boxes are located throughout the facility. [115.352 (c)(1)(2)]
6. DCYC shall issue a final DCYC decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
 - a. Computation of the 90-day time period shall not include time consumed by youth in preparing any administrative appeal.
 - b. DCYC may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. DCYC shall notify the youth in writing of any such extension and provide a date by which a decision will be made.
7. At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.
8. DCYC may discipline a youth for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the youth filed the grievance in bad faith.



Prison Rape Elimination Act

PREA Standard: 115.353

SUBJECT: 14.19 Outside Confidential Support Services

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

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Nature of revision: Annual review

POLICY:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. DCYC shall provide Resident/Juveniles with access to outside victim advocates for emotional support services related to sexual abuse through Project Harmony. [115.353(a)]

1. Resident/Juveniles shall have access to the CPS through postal mail and a toll free hotline via detainee telephones located in their housing unit.
2. Signage with CPS contact information including the address and telephone number shall be located in various locations throughout the facility.

B. Prior to giving them access, DCYC shall inform Resident/Juveniles, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. [115.353(b)]

C. DCYC shall provide Resident/Juveniles with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians. [115.353(d)]



Prison Rape Elimination Act

PREA Standard: 115.354

SUBJECT: 14.20 Third Party Reporting

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

POLICY:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. DCYC shall publicize information on how to report sexual abuse and sexual harassment on behalf of a Resident/Juvenile through the facility website.

1. Third parties can report directly to the PREA Coordinator or the Detention Manager.
2. Third parties can utilize the child abuse and neglect hotline to report an allegation.
3. Third parties have access to grievance forms and a locked grievance box located in the facility lobby.



Prison Rape Elimination Act

PREA Standard: 115.361

SUBJECT: 14.21 Staff and Agency Reporting Duties

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to establish mechanisms for youth and staff to report sexual abuse and sexual harassment allegations in safe and efficient manner

A. Staff Reporting.

1. DCYC shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; 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. [115.361(a)]

2. DCYC shall also require all staff to comply with any applicable mandatory child abuse reporting laws. [115.361(b)]

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 to make treatment, investigation, and other security and management decisions. Staff shall keep confidential any information related to the sexual abuse incident. [115.361(c)]

4. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials as well as to the designated state or local services agency where required by mandatory reporting laws. [115.361(d, 1)]

a. Such practitioners shall be required to inform youth at the initiation of services of their duty to report and the limitations of confidentiality. [115.361(d, 2)]

5. Upon receiving any allegation of sexual abuse, the Detention Manager at DCYC or designee shall promptly report the allegation to the Douglas County Sheriff's Department and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified. [115.361(e, 1-3)]

6. If the alleged victim is under the guardianship of Child Protective Services, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

7. If a juvenile court retains jurisdiction over the alleged victim, the Superintendent at DCYC or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.



Prison Rape Elimination Act

PREA Standard: 115.361

SUBJECT: 14.21 Staff and Agency Reporting Duties

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Continued:

8. The Superintendent or designee shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the Douglas County Sheriff's designated investigators.



Prison Rape Elimination Act

PREA Standard: 115.362

SUBJECT: 14.22 Agency Protection Duties

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy that if it learns a Resident/Juvenile is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the Resident/Juvenile.

Procedure:

A. In the event DCYC learns that a Resident/Juvenile is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the Resident/Juvenile.

1. In the instance a Resident/Juvenile is found to be at imminent risk of sexual abuse, DCYC will immediately alert the Detention Manager.
2. The Detention Manager will take immediate action to eliminate the risk of imminent harm.
3. The Detention Manager will inform the PREA Coordinator of the incident and take further action if recommended by PREA Coordinator.
4. Warranted actions to eliminate the risk of imminent harm will be considered on a case-by-case scenario. Necessary actions can include, but are not limited to: cell assignment changes, unit assignment changes, or staffing changes.

**Prison Rape Elimination Act**

PREA Standard: 115.363

SUBJECT: 14.23 Reporting to Other Confinement Facilities

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

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Nature of revision: Annual review

Policy:

It is the policy of DCYC that if it learns a Resident/Juvenile was sexually abused while confined at another facility, the Superintendent or designee shall notify the head of that facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.

Procedure:

A. Upon receiving an allegation that a Resident/Juvenile was sexually abused while confined at another facility, the Superintendent or designee 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. [115.363(a)]

1. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. [115.363(b)]
2. The Superintendent or designee will document that it has provided such notification. [115.363(c)]
3. In the event DCYC received such notification from another agency, DCYC shall ensure the allegation is investigated in accordance with PREA standards. [115.363(d)]



Prison Rape Elimination Act

PREA Standard: 115.364

SUBJECT: 14.24 Staff First Responder Duties

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is the policy of DCYC to establish protocol for first responder's on the scene of a sexual assault.

Procedure:

A. Staff first responder duties.

1. Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report shall be required to: [115.364 (a, 1-4)]

a. Separate the alleged victim from the abuser;

b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Do not clean up the scene or the victim until directed by the local law enforcement agency or the Detention Manager or designee;

c. Notify the Superintendent of DCYC or designee immediately;

d. If abuse occurred within a time period that still allows for collection of physical evidence (normally 72 hours or as determined by the local law enforcement agency), request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

e. Youth who are alleged victims of sexual abuse will be treated in a sensitive and nonjudgmental manner;

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



Prison Rape Elimination Act

PREA Standard: 115.365

SUBJECT: 14.25 Coordinated Response Plan

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy to establish mechanisms for a coordinated response plan if an incident of sexual abuse is reported among staff of first responders, medical or mental health practitioners, investigators, and facility leadership.

A. Coordinated Response Plan

1. All reports shall be thoroughly investigated by the Douglas County Sheriff’s Office.
2. When the alleged predator is an employee, care shall be taken to remove the employee from supervision of *all youth* pending the outcome of the investigation.
 - a. The Superintendent shall be advised of the allegations, the pending investigation and the projected time-line for resolution.
 - b. Re-assignment of duties and/or assignment to administrative leave shall be at the discretion of the Superintendent or designee.
 - c. The employee shall be notified of the investigation.
 - d. A thorough investigation shall be completed in a timely manner.
 - e. The employee shall be notified of the outcome of the investigation.
 - f. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Superintendent shall report the discovery to law enforcement for investigation.
3. When the alleged predator and the victim are both youth, care shall be taken to keep them separate, pending the outcome of the investigation.
 - a. The Detention Manager, or designee, may coordinate the re-location of one and/or both of the participants if it is determined that such action would improve the safety of the youth or the integrity of the pending investigation.
 - b. A thorough investigation shall be completed in a timely manner.
 - c. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Detention Manager shall report the discovery to the Douglas County Sheriff’s Office for investigation.
4. DCYC administration and staff shall cooperate with local law enforcement in all formal inquiries and investigations.



Prison Rape Elimination Act

PREA Standard: 115.365

SUBJECT: 14.25 Coordinated Response Plan

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Nature of revision: Annual review

Continued:

- a. Detention staff shall not release documentation without explicit authorization.
- b. Discipline and/or additional criminal charges for the alleged aggressor may occur pending the results of the internal and external investigations.
- c. Employees and youth are prohibited from retaliating against, intimidating or otherwise interfering with anyone involved in the investigation. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.



Prison Rape Elimination Act

PREA Standard: 115.366

SUBJECT: 14.26 Preservation of Ability to Protect Resident/Juveniles from Contact With Abusers

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy to protect Resident/Juveniles from contact with abusers.

Procedure:

A. DCYC shall not enter or renew any collective bargaining agreement or other agreement that limits DCYC’s ability to remove alleged staff sexual abusers from contact with Resident/Juveniles pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

1. This shall not 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 PREA standards 115.372 and 115.376.

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.



Prison Rape Elimination Act

PREA Standard: 115.367

SUBJECT: 14.27 Agency Protection Against Retaliation

Prepared by: Policy Committee

Revision date: 3/1/2017

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Version: 02

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Nature of revision: Annual review

Policy:

It is DCYC policy to protect all Resident/Juveniles and staff who report sexual abuse or sexual harassment from retaliation by other Resident/Juveniles or staff.

Procedure:

A. Agency protection against retaliation.

1. The agency shall establish a policy to protect all youth and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other youth or staff and the Detention Manager or designee is charged with monitoring retaliation. [115.367(a)]
2. The agency shall employ multiple protection measures, such as housing changes or transfers for youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. [115.367(b)]
3. For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct or treatment of youth or staff who reported the sexual abuse and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation. [115.367(c)]
 - a. Items the agency should monitor include any youth disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
 - b. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
4. In the case of youth, such monitoring shall also include periodic status checks. [115.367(d)]
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation. [115.367(e)]
6. An agency’s obligation to monitor shall terminate if the agency determines that the allegation is unfounded. [115.367(f)]



Prison Rape Elimination Act

PREA Standard: 115.368

SUBJECT: 14.28 Post Allegation Protective Custody

Prepared by: Policy Committee

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Nature of revision: Annual review

Policy:

It is DCYC policy to protect Resident/Juveniles who have suffered sexual abuse. They may only be placed on protective custody or administrative segregation as a last resort if less restrictive measures are inadequate to keep them and other Resident/Juveniles safe, and only until an alternative means of keeping Resident/Juveniles safe can be arranged.

Procedure:

A. Resident/Juveniles who have suffered sexual abuse may only be placed on protective custody or administrative segregation as a last resort, if less restrictive measures are inadequate to keep them and other Resident/Juveniles safe, and only until an alternative means of keeping Resident/Juveniles safe can be arranged.

1. If a Resident/Juvenile is placed on protective custody or administrative segregation, the Detention Manager shall document the basis of concern for the Resident/Juvenile’s safety and the reason why no alternative means of separation can be arranged.

B. If a Resident/Juvenile is placed on protective custody or administrative segregation he/she shall receive daily educational programming and large muscle exercise. If privileges, education, and programming opportunities are denied then management shall document the following: opportunities limited, the duration of limitation, and the reason for limitations.

C. Resident/Juveniles placed on protective custody or administrative segregation will have a review within five (5) days to determine whether there is a continuing need for separation from the general population.

D. Resident/Juveniles in protective custody or administration segregation receive daily visits from medical or mental health personnel.



Prison Rape Elimination Act

PREA Standard: 115.371

SUBJECT: 14.29 Criminal and Administrative Agency Investigations

Prepared by: Policy Committee	Revision date: 3/1/2017	
Approved by: Superintendent	Version: 02	Issue date: 4/1/2017
Nature of revision: Annual review		

Policy:

It is DCYC policy that an administrative or criminal investigation shall be completed for all allegations of Sexual Abuse and Sexual Harassment..

Procedure:

A. An administrative or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment.

B. Investigations shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Investigations are to be initiated immediately, but no later than twenty-four (24) hours upon receipt of allegation. [115.371(a)]

C. All allegations that could lead to prosecution are referred to local law enforcement for investigation. Administrative investigations will take place in addition to a criminal investigation for all allegations. Administrative investigations will not interfere with criminal investigations.

D. DCYC shall utilize investigators who have received specialized training in sexual abuse investigations in the confinement setting pursuant to Standard 115.334 [115.371(b)].

E. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. [115.371(c)]

F. When the quality of evidence appears to support criminal prosecution, DCYC shall await local law enforcement to conduct compelled interviews. Compelled interviews shall be conducted only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. [115.371(e)]

G. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a Resident/Juvenile in DCYC. DCYC shall not require a Resident/Juvenile 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 [115.371(f)]

H. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse [115.371(g) (1)]

I. Administrative investigations shall be documented in written reports that include a description of the physical and testimonial evidence, reasoning behind credibility assessments, investigative facts and findings. [115.371(g) (2)]



Prison Rape Elimination Act

PREA Standard: 115.371

SUBJECT: 14.29 Criminal and Administrative Agency Investigations

Prepared by: Policy Committee

Revision date: 3/1/2017

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Nature of revision: Annual review

Continued:

J. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of documentary evidence where feasible. [115.371(h)]

K. Substantiated allegations of that appear to be criminal shall be referred for prosecution. [115.371(i)]

L. DCYC shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years. [115.371(j)]

M. The release of the alleged abuser or victim from the employment or custody of DCYC shall not provide a basis for terminating an investigation. [115.371(k)]

N. The victim or source of the allegation recanting his/her statement shall not provide basis for terminating an investigation. DCYC shall cooperate with local law enforcement and shall endeavor to remain informed about the progress of the investigation. [115.371(m)]



Prison Rape Elimination Act

PREA Standard: 115.372

SUBJECT: 14.30 Evidentiary Standard for Administrative Investigations.

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy that a standard is set for administrative investigations.

Procedure:

A. DCYC imposes that a preponderance of evidence or lower standard of proof is necessary for determining an allegation of sexual abuse or sexual harassment as substantiated.



Prison Rape Elimination Act

PREA Standard: 115.373

SUBJECT: 14.31 Reporting to Resident/Juveniles

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy that any Resident/Juvenile 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 substantiated, unsubstantiated, or unfounded following an investigation by the agency.

Procedure:

A. Following an investigation into a Resident/Juvenile's allegation of sexual abuse, DCYC shall inform the Resident/Juvenile as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

B. If DCYC did not conduct the investigation, the Superintendent or designee shall request the relevant information from the investigative agency in order to inform the Resident/Juvenile.

C. Following a Resident/Juvenile's allegation that a staff member has committed sexual abuse against the Resident/Juvenile, DCYC shall subsequently inform the Resident/Juvenile (unless the allegation was deemed unfounded) whenever:

1. The staff member is no longer working within the Resident/Juvenile's unit.
2. The staff member is no longer employed at DCYC.
3. DCYC learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
4. DCYC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

D. Following a Resident/Juvenile's allegation that he/she were sexually abused by another Resident/Juvenile, DCYC shall subsequently inform the alleged victim whenever:

1. DCYC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
2. DCYC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. All such notifications or attempted notifications shall be documented.

E. All such notifications or attempted notifications shall be documented.

F. DCYC's obligation to report shall terminate if the Resident/Juvenile is released from the facility's custody.



Prison Rape Elimination Act

PREA Standard: 115.376

SUBJECT: 14.32 Disciplinary Sanctions for Staff

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy that staff violations of the PREA standards of sexual abuse or sexual harassment there will be disciplinary action taken against an employee.

Procedure:

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violating DCYC sexual abuse and sexual harassment policies. [115.376(a)]
- B. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. [115.376(b)]
- C. Disciplinary sanctions for violations of DCYC policies relating to sexual abuse and sexual harassment shall 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. [115.376(c)]
- D. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to relevant licensing bodies or law enforcement agencies, unless the activity was clearly not criminal. [115.376(d)]



Prison Rape Elimination Act

PREA Standard: 115.377

SUBJECT: 14.33 Corrective action for contractors and volunteers

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy for contractors and volunteers be reported to law enforcement agencies, unless the activity was clearly not criminal.

Procedure:

A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with Resident/Juveniles and shall be reported to relevant licensing bodies or law enforcement agencies, unless the activity was clearly not criminal.

B. DCYC shall take appropriate remedial measures, and shall consider whether to prohibit further contact with Resident/Juveniles, in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.



Prison Rape Elimination Act

PREA Standard: 115.378

SUBJECT: 14.34 Disciplinary Sanctions for Resident/Juveniles

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

POLICY:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. A Resident/Juvenile may be subject to disciplinary sanctions only pursuant to DCYC formal disciplinary process following an administrative finding that the Resident/Juvenile engaged in Resident/Juvenile-on-Resident/Juvenile sexual abuse or following a criminal finding of guilt for Resident/Juvenile-on-Resident/Juvenile sexual abuse. [115.378(a)]

1. In the event an administrative finding or criminal finding resulted in a Resident/Juvenile engaging in Resident/Juvenile-on Resident/Juvenile sexual abuse. The Resident/Juvenile’s discipline would be determined by the hearing committee.

B. Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the Resident/Juvenile’s disciplinary history, and the sanctions imposed for comparable offenses by other Resident/Juveniles with similar histories. [115.378(b)]

C. In the event a disciplinary sanction results in the restrictive housing of a Resident/Juvenile, DCYC shall ensure the Resident/Juvenile receives daily educational programming and large muscle group activity. Resident/Juveniles in restrictive housing shall receive daily visits from medical or mental health personnel and have access to other programming to the extent possible. [115.378(b)]

D. The disciplinary process shall consider whether a Resident/Juvenile’s mental disabilities or mental illness contributed to his or her behavior when determining what sanction, if any, should be imposed. [115.378(c)]

E. DCYC will refer Resident/Juveniles who engaged in sexual misconduct to on-site mental health personnel. Participation in mental health services is not a condition to access general programming, educational programming, large muscle activity, and other services provided by DCYC. [115.378(d)]

F. Disciplining a Resident/Juvenile for sexual contact with an employee/contractor/volunteer is prohibited unless it is found that the staff did not consent to the contact. [115.378(e)]

G. A report of sexual misconduct made in good faith by a Resident/Juvenile, based upon reasonable belief that the alleged conduct occurred, will not constitute false reporting or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. DCYC prohibits disciplining a Resident/Juvenile who reported in good faith. [115.378(f)]

H. The PREA Coordinator shall receive copies of all disciplinary reports regarding sexual misconduct for monitoring purposes. DCYC prohibits all sexual activity between Resident/Juveniles and provides consequences for such activity. Sexual activity does not constitute sexual abuse if it is not coerced. [115.378(g)]



Prison Rape Elimination Act

PREA Standard: 115.381

SUBJECT: 14.35 Medical and Mental Health Screenings; History of Sexual Abuse

Prepared by: Policy Committee

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Issue date: 4/1/2017

Nature of revision: Annual review

POLICY:

The Federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. If the Resident/Juvenile’s risk assessment indicates that they have experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the Resident/Juvenile shall be offered a follow-up meeting with medical or mental health practitioner within 14 days of the intake screening. [115.381(a)]

B. If the Resident/Juvenile’s risk assessment indicates that they have previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the Resident/Juvenile shall be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. [115.381(b)]

C. Any information related to sexual victimization or abuse that occurred in an institutional setting shall be strictly limited to medical and mental health personnel and other staff, as necessary, to inform treatment plans and security and management decisions, including housing and programming assignment.[115.381(c)]

D. Medical and mental health personnel shall obtain informed consent from Resident/Juveniles before reporting information about prior sexual victimization that did not occur in an institutional setting unless the Resident/Juvenile is under the age of 19. [115.381(d)]



Prison Rape Elimination Act

PREA Standard: 115.382

SUBJECT: 14.36 Access to Emergency Medical and Mental Health Services

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

POLICY:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. Resident/Juvenile victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. [115.382(a)]

1. In the event of a sexual assault, the Douglas County Sheriff's Office will be contacted and will make immediate arrangements for transportation to Project Harmony 11949 Q Street Omaha, NE 68137. It is essential that Project Harmony is contacted for instruction prior to departure. Any alleged victim will be transported to Project Harmony, with or without consent. Proper documentation can take place at Project Harmony if the alleged victim still refuses treatment after talking to the proper medical authorities.
2. Examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An off-site qualified medical practitioner may perform the examination if a SAFE or SANE is not available.
3. Project Harmony will provide a Case Coordinator for the exam. A Rape Advocate can be obtained through Project Harmony. The Rape Advocate should be made accessible to the Resident/Juvenile at any time.
4. Upon return to the facility, follow up actions to safeguard the alleged victim will be implemented. Actions include at a minimum: medical and mental health referrals, appropriate housing determination.

B. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim, pursuant to Standard 115.362 and shall immediately notify the appropriate medical and mental health practitioners. [115.382(b)]

C. All medical and mental health services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from incident. [115.382(d)]



Prison Rape Elimination Act

PREA Standard: 115.383

SUBJECT: 14.37 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

Prepared by: Policy Committee

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Nature of revision: Annual review

POLICY:

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for Resident/Juvenile sexual abuse and sexual harassment; ensures that prevention of Resident/Juvenile sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

Procedure:

A. DCYC offers medical and mental health evaluations and appropriate treatment to all Resident/Juveniles who have been victimized by sexual abuse in any prison, jail, lock-up, or juvenile facility. [115.383(a)]

B. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following transfer to, or placement in, other facilities or their release from custody. [115.383(b)]

C. Resident/Juvenile victims or sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests [115.383(d)]

1. If pregnancy results from incident, such victims shall receive timely and comprehensive information and access to all lawful pregnancy-related medical services. [115.383 (e)]

D. Resident/Juvenile victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. [115.383(f)]

E. Treatment services shall be provided to the victim without financial costs and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident. [115.383(g)]

F. DCYC shall attempt to conduct a mental health assessment of all known Resident/Juvenile-on-Resident/Juvenile abusers within fourteen (14) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.



Prison Rape Elimination Act

PREA Standard: 115.386

SUBJECT: 14.38 Sexual Abuse Incident Reviews

Prepared by: Policy Committee

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Approved by: Superintendent

Version: 02

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Nature of revision: Annual review

Policy:

It is DCYC policy to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, but not where the allegation has been determined to be unfounded.

A. Data Collection and Review

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall occur within 30 days of the conclusion of the investigation.
3. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
4. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, and any recommendations for improvement and submit such report to the Superintendent of Douglas County Youth Center or designee.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.
6. All case records associated with claims of sexual abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with the state record retention schedule.



Prison Rape Elimination Act

PREA Standard: 115.387

SUBJECT: 14.39 Data Collection

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

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Nature of revision: Annual review

Policy:

It is the DCYC policy to collect accurate, uniform data for every allegation of sexual abuse within the facility.

Procedure:

A. The PREA Coordinator shall collect accurate, uniform data for every allegation of sexual abuse within its facility using the instrument and set definitions set forth by the Survey of Sexual Violence conducted by the Department of Justice. [115.387(a) (c)]

B. The PREA Coordinator aggregates the incident-based sexual abuse data annually. [115.387(b)]

C. The PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documented including reports, investigation files, and sexual abuse incident reviews. [115.387(d)]

D. Upon request, the PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. [115.387) f)]



Prison Rape Elimination Act

PREA Standard: 115.388

SUBJECT: 14.40 Data Review for Correction Action

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

Issue date: 4/1/2017

Nature of revision: Annual review

Policy:

It is DCYC policy to review data collected and aggregated pursuant Standard 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training.

Procedure:

A. The PREA Coordinator shall review data collected and aggregated pursuant Standard 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training. Data reviews should include the following: [115.388(a)]

1. Identifying problem areas.
2. Taking corrective action on an ongoing basis
3. Preparing an annual report of its findings and corrective actions

B. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the DCYC's process in addressing sexual abuse. [115.388(b)]

C. The annual report shall be approved by the Superintendent and made accessible on its website. [115.388(c)]

D. DCYC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. [115.388(d)]



Prison Rape Elimination Act

PREA Standard: 115.389

SUBJECT: 14.41 Data Storage, Publication, and Destruction

Prepared by: Policy Committee

Revision date: 3/1/2017

Approved by: Superintendent

Version: 02

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Nature of revision: Annual review

Policy:

It is DCYC policy of the to ensure data collected pursuant to Standard 115.387 are securely retained.

Procedure:

A. The PREA Coordinator or designee shall ensure data collected pursuant to Standard 115.387 are securely retained. All data is secured in a locked filing room with limited access to administrative personnel. [115.389(a)]

B. The PREA Coordinator or designee shall make all aggregated data available on the facility’s website annually after removing all personal identifiers. [115.389 (b) (c)]

C. The PREA Coordinator or designee shall maintain sexual abuse data for at least 10 years after the date of its initial collection.