

PREA-ZERO TOLERANCE OF SEXUAL ABUSE AND/OR SEXUAL HARRASSMENT POLICY AND PROCEDURES

I. Policy:

The Northampton County Juvenile Justice Center (NCJJC) recognizes that this is a 24-hour, 7-day-a-week operation and, therefore, the facility must have a specific written policy regarding PREA. The NCJJC has established this zero tolerance policy in congruence with the Prison Rape Elimination Act of 2003 which establishes a zero tolerance standard for the incidence of inmate sexual assault and rape along with staff to inmate sexual assault and rape and sexual harassment. All sexual activities and sexual harassment between juveniles and juveniles, staff and juveniles, volunteers or contract personnel and juveniles, regardless of consensual status, are prohibited and subject to administrative and criminal disciplinary sanctions outlined in the PREA standards as well as Pennsylvania state law. The Juvenile Center also will:

- Enforce a zero -tolerance environment for sexual abuse and harassment in the Northampton County Juvenile Detention Center (NCJJC)
- Make the prevention of sexual abuse a top priority in the (NCJJC)
- Develop and implement practices which comply with the National Standards to Prevent, Detect and Respond to Prison Rape published by the USDOJ on June 20, 2012
- Make available any data and information on the incidence of sexual abuse in the (NCJJC)
- Include the standardized definitions in (NCJJC) policies
- Clearly identify and express the accountability of all (NCJJC) staff, including the Director when dealing with incidents of sexual abuse
- Protect the Eighth Amendment rights of juveniles in the custody of the (NCJJC)
- Increase the efficiency and effectiveness of programs within the (NCJJC) by providing a safe environment for juveniles to be free from sexual abuse within the facility

II. Definitions:

1. *General Definitions. (PREA § 115.5) For purposes of this policy, the term*

- a. **Agency** is the Northampton County Juvenile Justice Center, responsible for the operation of the (NCJJC).
- b. **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the (NCJJC), or is an employee of any separate department of Northampton County with scheduled or unscheduled temporary

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duties within the (NCJJC), including, but not limited to the maintenance department, juvenile probation department, etc.

- c. **Direct staff supervision** means that security staff are in the same room with, and within reasonable hearing distance of, the juvenile(s).
- d. **Director** means the person appointed by the Northampton County Board of Commissioners as the Department Head for the (NCJJC).
- e. **Employee** means a person who works directly for the (NCJJC).
- f. **Exigent circumstances** mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the (NCJJC).
- g. **Facility** means (NCJJC), the part of the building and surrounding fenced area that is used by the Northampton County Juvenile Detention Department for the confinement of juvenile offenders.
- h. **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.
- i. **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
- j. **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.
- k. **Juvenile/Resident** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail. (For the purpose of the policy and procedures manual of the (NCJJC), “juvenile” is synonymous with “resident”)
- l. **Juvenile facility** means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
- m. **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.
- n. **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.

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- o. **(NCJJC)** means the Northampton County Juvenile Justice Center.
- p. **Pat-down search** means a running of the hands over the clothed body of a resident by an employee to determine whether the individual possesses contraband.
- q. **Qualified medical practitioner** refers to a medical practitioner who has also successfully completed specialized training for treating sexual abuse victims.
- r. **Qualified mental health practitioner** refers to a mental health practitioner who has also successfully completed specialized training for treating sexual abuse victims.
- s. **Secure juvenile facility** means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. (NCJJC) meets the criteria of a “secure juvenile facility.”
- t. **Security staff** means employees primarily responsible for the supervision and control of residents in all areas of the (NCJJC). Only those (NCJJC) employees that are required to have P.O.S.T. certification to continue in their positions meet the criteria for “security staff.”
- u. **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.
- v. **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.
- w. **Substantiated allegation** means an allegation that was investigated and determined to have occurred.
- x. **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.
- y. **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.
- z. **Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the (NCJJC).

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2. *Definitions related to sexual abuse. (PREA § 115.6) For purposes of this part, the term(s)*

a. **Sexual Abuse:**

- Sexual abuse of a resident by another resident; and
- Sexual abuse of a resident by a staff member, contractor, or volunteer.

b. **Sexual abuse of a resident by another resident** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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

c. **Sexual abuse of a resident by a staff member, contractor, or** volunteer includes any of the following acts, with or without consent of the resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section

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- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident
 - Voyeurism by a staff member, contractor, or volunteer.
- d. **Voyeurism by a staff member, contractor, or volunteer** means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.
- e. **Sexual harassment** includes:
- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
 - Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

III. Prevention Planning:

1. *Zero tolerance of sexual abuse and sexual harassment; PREA coordinator. (PREA § 115.311)*
- a. The (NCJJC) tolerates no form sexual abuse or sexual harassment within the facility. Juveniles held in the (NCJJC) are under the age of 18, and therefore cannot consent to any sexual activity. Therefore, all sexual activity between juveniles is prohibited and will be cause for disciplinary action and shall be referred for prosecution. Also all sexual activity between staff and juveniles is strictly prohibited and staff shall be disciplined and prosecuted, unless there is a finding that the staff member did not consent to such activity.
- b. The (NCJJC) shall designate a PREA Coordinator and allow that individual sufficient time and authority to develop, implement, and oversee facility efforts to comply with the PREA standards.

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- c. If, for any reason, the position or assignment of PREA Coordinator is vacant, the Director shall move to fill said position as quickly as possible.
- d. For any amount of time that the position or assignment of PREA Coordinator is vacant, the Director shall act as the designated PREA Coordinator until the position or assignment is filled.
- e. (NCJJC)'s plan to address sexual abuse is outlined in **Policy 6.02** , which shall contain or refer to other policies which contain steps that shall be taken to prevent, detect and respond to sexual abuse within the facility.

2. Contracting with other entities for the confinement of residents. (PREA § 115.312)

- a. If the (NCJJC) is, at any time, in a position where it is necessary to contract for the confinement of its residents with other entities, including other government agencies, those entities shall be obligated to adopt and comply with the PREA standards. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

3. Supervision and monitoring (PREA § 115.313, 115.318)

- a. The (NCJJC) shall develop, implement and document a staffing plan which takes into consideration:
 - Generally accepted juvenile detention and correctional/secure residential practices;
 - Position Statement of the National Partnership for Juvenile Services suggesting that the optimal ratio of staff to juveniles should be 1:8.
- b. Any judicial findings of inadequacy;
 - None at the time of the development of the staffing plan.
- c. Any findings of inadequacy from Federal investigative agencies;
 - None at the time of the development of the staffing plan.
- d. Any findings of inadequacy from internal or external oversight bodies;
 - None at the time of the development of the staffing plan.
- e. All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated);
- f. The composition of the resident population
 - The number and placement of supervisory staff;
 - Institution programs occurring on a particular shift;

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- Any applicable State or local laws, regulations, or standards; Department of Public Welfare; 3800 regulations.
 - The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
 - Any other relevant factors.
- g. The (NCJJC) shall comply with the staffing plan except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances as outlined in the procedures governing the adopted staffing plan and staffing ratios, which are found in **Policy 6.09**.
- PREA Juvenile Facility Standards require that each facility shall maintain staff to resident ratio of no less than 1:8 during resident waking hours and no less than 1:16 during resident sleeping hours.
- h. Annually, and preferably during the first supervisor's meeting of each year, with the PREA Coordinator, the facility's staffing plan and prevailing staffing practices shall be evaluated and changes or suggestions will be made, documented and evaluated.
- If the reviewing staff members deem that changes are absolutely necessary to ensure the safety of the juveniles and compliance to the PREA Standards, (NCJJC) shall consult with the Court of Common Pleas and the Northampton County Prosecuting Attorney's Office in order to commit necessary resources to do so.
 - In order to facilitate this evaluation, supervisors will print off one extra copy of their team's daily staff roster/staff post assignment sheet and submit it to the Director on a daily basis.
- i. Annually, and preferably during the first supervisor's meeting of each year, the facility's deployment of video or audio monitoring systems and other monitoring technologies shall be evaluated and changes or suggestions will be made, documented and evaluated.
- If the reviewing staff members deem that changes are necessary to ensure the safety of the juveniles and compliance to the PREA Standards, (NCJJC) shall consult with the Court of Common Pleas in order to commit necessary resources to do so.
- j. The planning of any upgrade or change to any part of the (NCJJC) shall also include an evaluation of how the upgrade or change will impact the ability of the staff to protect juveniles against sexual abuse.

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- A review of the facility's staffing plan and video, audio or any other monitoring systems shall be done during the planning stages of any upgrades or changes to the facility, which will include, but not be limited to:
 - Construction, remodel, alteration, addition or demolition of any part of the physical structure of the (NCJJC)
 - Addition or subtraction of any video, audio or any other monitoring devices.

- k. NCJJC's PREA Coordinator will schedule and conduct an annual (or more frequently, as necessary) facility review using the Facility Operations Vulnerability Assessment for their respective facility, with, at a minimum, the PREA Coordinator, the Facility Director and the Maintenance Manager or designee.

PREA Unannounced Administrative Rounds (PREA § 115.313)

- a. Procedures governing PREA Unannounced Administrative Rounds are found in Policy 6.10.
 - Supervisors and Administration shall conduct and document unannounced rounds at least twice per month to identify and deter staff of sexual abuse and sexual harassment. The unannounced rounds must be conducted for night and day shifts.
 - Staffs are prohibited from alerting other staff members that these supervisory rounds are, or will be, occurring, unless such announcement is related to the legitimate operational functions of the facility.

4. Limits to Cross-Gender Viewing and Searches. (PREA § 115.315)

- a. Procedures governing searches, including cross-gender searches, are found in Policy 3.02.
 - Staff shall conduct all searches in accordance with NCJJC policy regarding searches.

- b. Procedures governing cross-gender viewing are found in Policy 3.02.
 - Staff shall enable residents to shower, perform bodily functions, and change clothing without staff of either gender viewing their buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine checks.

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- Staff of the opposite gender of the residents shall announce their presence when entering a resident's bedroom or any areas where residents are likely to be showering, performing bodily functions, or changing clothing.
- c. Procedures prohibiting searches of transgender and intersex youth for the sole purpose of determining genital status are found in Policy 3.02.
- Staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- d. Procedures governing training of staff to conduct cross gender pat searches, searches of transgender or intersex youth are found in Policy 3.02.
- All staff shall be trained to conduct resident searches, to include cross-gender pat-down searches and searches of transgender and intersex residents. All searches are to be completed in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
5. ***Residents with disabilities and residents who are limited English proficient. (PREA § 115.316)***
- a. Procedures dealing with residents who are limited English proficient or disabled are found in Policy 6.11.
- Residents with disabilities (including those who have intellectual, psychiatric, or speech disabilities) shall have equal opportunity to all aspects of NCJJC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication, providing them interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, NCJJC shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities and/or limited reading skills.

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- Residents with disabilities shall be provided accommodations in accordance with the Americans with Disabilities Act, 28 CFR 35.164.
- NCJJC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under the title II of the Americans With Disabilities Act, 28 CFR 35.164
- Residents, who are limited in English proficiency, shall have equal opportunity to all aspects of NCJJC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, in accordance with NCJJC's Limited English Proficiency Statement. Interpreters will be provided as necessary.
- NCJJC shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise a resident's safety, the performance of first response duties or the investigation of the resident's allegations.

6. Hiring and promotion decisions. (PREA § 115.317)

- a. Procedures governing hiring and promotions are found in Policy 2.09.
- b. NCJJC shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who:
 - 1) Has engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - 2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force; over or implied threats of force or coercion; or if the victim did not consent or was unable to consent or refuse; or
 - 3) Has been civilly or administratively adjudicated to have engaged in the activity described above.

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- c. NCJJC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of a contractor, that may have contact with residents.
- d. Before hiring new employees who may have contact with residents, NCJJC shall:
 - 1) Perform a criminal background check.
 - 2) Consult with any child abuse registry maintained by the State or locality in which the employee would work (ChildLine).
 - 3) Makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, consistent with Federal, State, and local laws.
- e. NCJJC shall ask directly, in written applications and/or interviews for hiring or promotion and in any interviews or written self-evaluations conducted as part of reviews of current employees, all applicants and employees who may have contact with residents, if they:
 - 1) Have engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - 2) 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; of if the victim did not consent or was unable to consent or refuse; or have been civilly or administratively adjudicated to have engaged in the activity described above.
 - 3) NCJJC shall impose upon employees a continuing affirmative duty to disclose any such misconduct.
- f. NCJJC shall conduct all criminal background checks no less than every five years for current employees.
- g. Material omission regarding such misconduct or the provision of materially false information shall be grounds for termination.
- h. NCJJC 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.

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- i. Contractor agencies shall ensure all criminal background checks are conducted and documented prior to service for employees who may have contact with residents. Additionally, background checks will be completed no less than every five years. Proof of criminal background checks shall be provided to NCJJC.

7. *Upgrades to Facilities and Technologies (PREA 115.318)*

- a. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.
- b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

IV. Responsive Planning:

1. *Evidence protocol and forensic medical examinations (PREA § 115.321)*

2. *Procedures governing the acceptance of a report, grievance or allegation of sexual abuse and the immediate referral of said report to the Easton Police Department (EPD) and/or the Northampton County Prosecuting Attorney's Office are found in Policy 6.01.*

3. *Upon receipt of a report of sexual abuse, the EPD will activate their Department's Sexual Abuse Response Team (SART), and will arrange to provide all victims of sexual abuse a forensic medical examination to be conducted by an appropriately trained examiner, preferably a Sexual Assault Forensic Examiner (SAFE) or a Sexual Abuse Nurse Examiner (SANE).*

- If such examination is not covered for payment by the EPD, the (NCJJC) shall bear the cost of the examination.

4. *EPD SART Team also includes a victim advocate/rape crisis advocate.*

- If a victim advocate/rape crisis advocate is not available through CPD's normal process, the Family Justice Center (FJC) of Nampa will be contacted as provided by the existing MOU with the FJC.

5. *If any member of the (NCJJC) has been screened for appropriateness and has received appropriate training and education concerning sexual assault and forensic examinations issues in general, they may be assigned at the victim's request to*

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accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

6. Policies to ensure referrals of allegations for investigations (PREA § 115.322)

- a. Procedures governing the acceptance of a report, grievance or allegation of sexual harassment and the immediate referral of said report to the Northampton County Prosecuting Attorney's Office and/or the Northampton County Human Resources Department are found in **Policy 6.01**.

V. Training and Education:

1. Employee training (PREA § 115.331)

- a. Procedures governing employee PREA training are found in Policy 6.02.
 - NCJJC shall train all employees who may have contact with residents on its Zero-Tolerance Policy for sexual abuse and sexual harassment.
 - NCJJC shall train all employees how to fulfill their responsibilities under NCJJC's sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - Residents' right to be free from sexual abuse and sexual harassment.
 - The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - The dynamics of sexual abuse and sexual harassment in juvenile facilities and specific gender related issues.
 - The common reactions of juvenile victims of sexual abuse and sexual harassment.
 - How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents.
 - How to avoid inappropriate relationships with residents.

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- How to communicate effectively and professionally with all residents, to include lesbian, gay, bi-sexual, transgender, intersex, or gender nonconforming residents.
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- Relevant laws regarding the applicable age of consent.

2. *Volunteer and Contractor Training (PREA § 115.332)*

- a. The (NCJJC) shall train all volunteers or contractors who have contact with residents on their responsibilities for sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- b. All volunteers and contractors shall sign and document that they have received training on PREA and that they understand said training. Additionally, The Zero Tolerance for Sexual Abuse and/or Sexual Harassment for Contracted Employees and Volunteers pamphlet shall be provided and sign-off obtained and maintained on file.
- c. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents
 - Volunteers and contractors shall be evaluated, rated on a tiered system and given training based on the level of contact that they may have with residents.
 - #1 tier
 - ✓ Characteristics:
 - Routine and frequent entry into
 - Unsupervised contact with residents
 - Unescorted
 - ✓ Includes, but is not limited to:
 - Juvenile Probation Officers
 - Programming counselors
 - School teachers/counselors
 - ✓ Medical Staff (hired and supervised by the Northampton County Juvenile Justice Medical Department)
 - ✓ Mental Health Staff (hired and supervised by contract provider)
 - ✓ Support staff

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- d. Training shall include, but not be limited to:
- Face to face training with Director, training coordinator or PREA Coordinator
 - (NCJJC)'s zero-tolerance policy regarding sexual abuse and sexual harassment
 - Juveniles' right to be free from sexual abuse and sexual harassment
 - The right of juveniles and employees to be free from retaliation for reporting sexual abuse and sexual harassment
 - The dynamics of sexual abuse and sexual harassment
 - Procedures including how to report such incidents
 - Training acknowledgement form which must be signed by #1 tier volunteer/contractor acknowledging the receipt and understanding of training.
 - #2 tier
 - ✓ Characteristics:
 - Routine and frequent entry into facility
 - No unsupervised contact with residents
 - Unescorted
 - ✓ Includes, but is not limited to:
 - Maintenance workers
 - Barber/beautician
- e. Training shall include, but not be limited to:
- Face to face training with Director, training coordinator or PREA Coordinator
 - (NCJJC)'s zero-tolerance policy regarding sexual abuse and sexual harassment
 - Juveniles' right to be free from sexual abuse and sexual harassment
 - The right of juveniles and employees to be free from retaliation for reporting sexual abuse and sexual harassment
 - Procedures including how to report such incidents
 - Training acknowledgement form which must be signed by #2 tier volunteer/contractor acknowledging the receipt and understanding of training.
 - #3 tier
 - ✓ Characteristics:
 - Rare or inconsistent entry into facility

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- Unsupervised contact with residents
 - Escorted
 - ✓ Includes, but is not limited to:
 - Clergy
- f. Training shall include, but not be limited to:
- Informational sheet which will be explained by an (NCJJC) staff member also must be read and signed by #3 tier volunteer/contractor acknowledging the receipt and understanding of training.
 - (NCJJC)'s zero-tolerance policy regarding sexual abuse and sexual harassment
 - Procedures including how to report such incidents
 - #4 tier
 - ✓ Characteristics:
 - One-time visitor
 - No unsupervised contact with residents
 - Escorted
 - ✓ Includes, but is not limited to:
 - School guest speakers
 - Tours
 - Special guests

Non-recurring visitor does not meet the criteria for volunteer or contractor-no training requirement

3. Resident Education (PREA § 115.333)

- a. Procedures regarding resident PREA education at admissions and follow up resident PREA education within 10 days of admissions are found in **Policy 6.02**.

4. Specialized Training: Investigations (PREA § 115.334)

- a. (NCJJC) Staff shall refer all allegations of sexual abuse as outlined in **Policy 6.02**.
- b. (NCJJC) Staff shall not conduct any investigations, but will act under the direction of the investigating agency.
- c. Specialized training: Medical and mental health care (PREA § 115.335)
 - (NCJJC) will ensure that all full- and part-time medical and mental health care practitioners who work regularly in the facility are trained in:
 - How to detect and assess signs of sexual abuse and sexual harassment;
 - How to preserve physical evidence of sexual abuse;

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- How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and
 - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- d. (NCJJC) shall maintain documentation that medical and mental health practitioners have received the training referenced in this policy either from the (NCJJC) or elsewhere.
- e. Medical and mental health care practitioners shall receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the (NCJJC).

VI. Screening for Risk of Sexual Victimization and Abusiveness:

1. *Obtaining information from residents (PREA § 115.341)*

- a. Procedures governing obtaining information from residents pursuant to the PREA Standard 115.341 are found in **Policy 3.01**.
- Within 72 hours of intake, and periodically throughout a resident's confinement, the Vulnerability Assessment Instrument shall be administered to obtain information about each resident's personal history and behavior to reduce the risk of sexual abuse by or to a resident.
 - In a detention population, a new Risk Assessment will be conducted approximately every 60 days that a resident resides within the facility. In treatment, a new Risk Assessment will be generated every 120 days that a resident resides in the facility.
 - Information shall also be obtained through conversations with the resident, by reviewing court records, resident files, psychological assessments and other relevant documentation.
 - Residents will not be disciplined for not answering questions regarding disability or sexual preference.
 - NCJJC shall follow appropriate procedures and controls on the dissemination of sensitive information to ensure that information is protected.

2. *Placement of residents in housing, bed, program, education, and work assignments (PREA § 115.342)*

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a. Procedures governing the use of information obtained from residents pursuant to the PREA Standard 115.341 are found in **Policy 3.01**.

- NCJJC will use information obtained from the Vulnerability Assessment Instrument to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse.
- Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall NCJJC consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- In reaching a determination of whether to assign a transgender or intersex resident to a facility for male/female residents, as well as in making other housing and programming assignments, NCJJC shall consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether the placement would present programmatic management or security problems.
- Placement and programming assignments for each transgender or intersex resident shall be reassessed at a minimum of every six months (twice each year) to review any threats to safety that may have been experienced by the resident.
- A transgender or intersex resident's own views with respect to his or her own safety shall be considered seriously.

b. Procedures regarding the showering of residents are found in **Policy 3.01**.

- Transgender and intersex residents shall be provided the opportunity to shower separately from other residents.

c. Reporting

3. *Juvenile reporting (PREA § 115.351)*

a. Procedures governing reporting are found in **Policy 6.01**.

- NCJJC shall provide multiple internal methods for residents to privately report sexual abuse and/or sexual harassment, retaliation by other residents

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or staff for reporting sexual abuse and sexual harassment, and/or staff neglect or violation of responsibilities that may have contributed to such incidents.

- In addition, NCJJC shall also provide at least one method for residents to report sexual abuse and/or sexual harassment to a public or private entity or office that is not part of NCJJC and that is able to receive and immediately forward resident reports of sexual abuse and/or sexual harassment to NCJJC officials allowing the resident to remain anonymous upon request.
- These methods include, but are not limited to:
 - Direct reporting to an employee, educational staff, or contracted entity.
 - Private reporting to a public or private entity, or an office that is not part of the agency.
 - Staff shall provide residents with access to telephones to call ChildLine (800-932-0313) upon request.
 - The grievance process.
 - Staff shall accept reports made verbally, in writing, anonymously, and from third parties. These reports shall be immediately processed according to child abuse regulations.
 - NCJJC shall provide residents with access to tools necessary to create a written report. There shall be grievance forms located in all common areas to allow the residents to create a written report.
 - Through the methods listed above (at a minimum), staff shall be provided the ability to privately report sexual abuse and/or sexual harassment of residents.

4. Exhaustion of administrative remedies (PREA § 115.352)

- a. The following procedures are found in **Policy 6.06**.
- b. The handling of grievances and administrative remedies
- c. The timeline for agency decisions
- d. The assumption of denial if no agency decision is returned to juvenile
- e. The handling of any emergency grievances

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5. *The following procedures are found in Policy 6.06.*

- a. The submission of grievances without submitting it to the staff member who is the subject of the allegation
- b. The submission of grievances without having it referred to the staff member who is the subject of the allegation
- c. The handling of emergency grievances
- d. The handling of third party reports or grievances

6. *Procedures regarding disciplining any juvenile for filing a false report are found in Policy 6.06.*

7. *Resident access to outside support services and legal representation (PREA § 115.353)*

- a. The (NCJJC) shall enter into, maintain, and make accessible an MOU with Pennsylvania Forensic Associates to provide confidential emotional support services related to sexual abuse.
 - The (NCJJC) shall also provide residents with access to the following outside victim advocates by posting non-monitored, free-access phone numbers for the following services, and making their telephone numbers free to access
 - **Pennsylvania Forensic Associates (PFA)**
 - **Department of Public Welfare (Child Line)**
 - **The National Sex Assault Hotline. 1-800-656-4673**

■ Juveniles detained solely for civil immigration purposes may call the National Sex Assault Hotline, pursuant to the pamphlet published by the Department of Homeland Security found at <http://www.uscis.gov/USCIS/Humanitarian/Battered%20Spouse%2C%20Children%20%26%20Parents/IMBRA%20Pamphlet%20Final%2001-07-2011%20for%20Web%20Posting.pdf>

- c. Informational posters shall be posted which outlines 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.

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- d. Procedures governing reasonable and confidential access to their attorneys and reasonable access to their parents following an alleged incident in which the juvenile may have been a victim of sexual abuse are found in **Policies 6.06**.

8. *Third-party reporting (PREA § 115.354)*

- a. Procedures governing third-party reporting are found in **Policy 6.01**.

VII. Official Response Following a Resident Report

1. *The following procedures are found in Policy 6.01:*

2. Staff and agency reporting duties (PREA § 115.361)
 - a. Agency protection duties (PREA § 115.362)
 - b. Reporting to other confinement facilities (PREA § 115.363)

3. *Staff first responder duties (PREA § 115.364)*

- a. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:
 - Separate the alleged victim and abuser, taking necessary steps to protect the victim immediately;
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, 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;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- b. 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.

4. *Coordinated response (PREA § 115.365)*

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- a. The (NCJJC)'s actions in response to an incident of sexual abuse shall include the following steps:
 - The first responding staff member shall immediately follow procedures to protect the victim as outlined in **Policy 6.02**, and stay with the victim, or allow the victim to choose another staff member to stay with him/her. The victim should not be left alone at any time until responding law enforcement arrives and takes custody of the victim.
 - Subsequent responders shall take control of the area where the incident allegedly occurred to preserve any physical evidence until control of the area is turned over to investigators.
 - Control room staff shall commence the coordination of medical and mental health services as outlined in **Policy 4.05**, immediately.
 - Staff shall also commence reporting procedures as soon as possible.
 - The on duty supervisor shall begin notifying the (NCJJC) Director, Deputy Director(s) of Detention and Treatment.
 - If the incident involved staff on juvenile sexual abuse, the on-duty supervisor shall take the necessary steps to prohibit the alleged abuser from having any contact with any juveniles.

5. Preservation of ability to protect residents from contact with abusers (PREA § 115.366)

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

6. Agency protection against retaliation (PREA § 115.367)

- a. All residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other residents or staff.

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- b. The PREA Coordinator shall be designated to monitor juveniles and their treatment to ensure that they are protected from retaliation for a period of at least 90 days.
 - The Coordinator shall monitor and be aware of any disciplinary measures taken against the juvenile, any housing, placement or program changes, any involvement with altercations, arguments or problems with other juveniles or staff members, and shall include periodic interviews with the juvenile.
 - The Director shall be designated to monitor staff members and their treatment to ensure that they are protected from retaliation for a period of at least 90 days.
 - The Director shall conduct interviews with the staff members, and shall also monitor staff reassignments, negative performance evaluations, schedule changes or any other reports or notes that supervisors may have regarding the staff member.
- c. The (NCJJC) shall employ multiple protection measures, including, but not limited to:
 - such as housing changes or transfers for resident victims or abusers
 - removal of alleged staff or resident abusers from contact with victims
 - emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations
- d. If any other individual who cooperates with an investigation expresses a fear of retaliation, the (NCJJC) shall take appropriate measures to protect that individual against retaliation.
- e. The (NCJJC)'s obligation to monitor shall terminate if the allegation is determined to be unfounded or if the juvenile being monitored is released.

7. *Post-allegation protective custody (PREA § 115.368)*

- Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be subject to the requirements of Policy 3.01.

VIII. Investigations:

1. *Criminal investigations (PREA § 115.371)*

- a. Procedures governing the referral of cases involving sexual abuse and sexual harassment are found in **Policy 6.02**.

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- b. Where sexual abuse is alleged, the Easton Police Department shall use investigators pursuant to their policies and procedures. It is anticipated that those policies and procedures will govern the following items:
- Specialized training in sexual abuse investigations involving juvenile victims
 - Gathering and preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data
 - Interviewing alleged victims, suspected perpetrators, and witnesses
 - Review of prior complaints and reports of sexual abuse involving the suspected perpetrator
 - Assessing the credibility of an alleged victim, suspect, or witness on an individual basis, and not simply by the person's status as an in custody juvenile or staff
 - The prohibition of requiring a 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
 - The degree to which the (NCJJC) can be informed of the progress of the investigation.
 - To the extent allowed by the investigating agency, the (NCJJC) shall endeavor to remain informed of the progress and outcome of the investigation.
- c. The (NCJJC) shall cooperate fully in any investigation, and shall participate in any investigative process when requested to do so by the main investigative agency, including conducting compelled interviews as directed by the Northampton County Prosecuting Attorney's Office or Northampton County Human Resources Department as long as the compelled interviews will not be an obstacle for subsequent criminal prosecution when the quality of evidence appears to support criminal prosecution.
- d. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

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2. *Administrative Agency Investigations (PREA § 115.371) and Evidentiary Standard for Administrative Investigations (PREA § 115.372)*
 - a. Administrative investigations shall be conducted by the Northampton County Prosecuting Attorney's Office.
 - (NCJJC) shall cooperate fully with administrative investigations
 - (NCJJC) shall participate in any investigative process involving administrative investigations only as directed by the Northampton County Prosecuting Attorney's Office
 - b. Such administrative investigations shall include, but not be limited to the following items:
 - An effort to determine whether staff actions or failures to act contributed to the abuse
 - Written descriptions of the physical and testimonial evidence
 - Documentation of the reasoning behind credibility assessments
 - Investigative facts and findings.
 - c. Substantiated allegations of conduct that appears to be criminal shall be referred to the Northampton County Prosecuting Attorney's Office for prosecution.
 - d. For administrative investigations, the (NCJJC) and/or the Northampton County Prosecuting Attorney's Office shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
 - e. Investigation Reports
 - a. Any and all written reports that the (NCJJC) receives as a result of any criminal or administrative investigation completed as a result of an allegation, report of grievance involving sexual abuse shall be kept for at least ten (10) years past the juvenile's 18th birthday.
 - f. Reports of investigations involving sexual abuse by staff shall be turned over to the Northampton County Human Resources Department for inclusion in the staff's member's file, which are kept for at least 10 years past termination date.

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3. *Reporting to residents (PREA § 115.373)*

- a. Following an investigation into a juvenile's allegation of sexual abuse suffered in the (NCJJC), the juvenile shall be informed by (NCJJC) staff as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
 - If the (NCJJC) did not conduct the investigation, the (NCJJC) shall request the relevant information from the investigative agency in order to inform the juvenile.
- b. Following a juvenile's allegation that a staff member has committed sexual abuse against the juvenile, the (NCJJC) shall subsequently inform the juvenile (unless it has been determined that the allegation is unfounded or the juvenile has been released) whenever:
 - **The staff member will no longer be posted within the residents unit**
 - The staff member is no longer employed at the (NCJJC)
 - The (NCJJC) learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - The (NCJJC) learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- c. Following a juvenile's allegation that he or she has been sexually abused by another juvenile, the (NCJJC) shall subsequently inform the alleged victim (unless it has been determined that the allegation is unfounded or the juvenile has been released) whenever:
 - The (NCJJC) learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - The (NCJJC) 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.
- d. Termination of investigations
 - a. The (NCJJC) shall not seek or request the investigating agency to terminate an investigation solely because the source of the allegation recants the allegation.
 - b. The departure of the alleged abuser or victim from the employment or control of the (NCJJC) shall not provide a basis for terminating an investigation.

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IX. Discipline:

1. *Disciplinary sanctions for staff (PREA § 115.376)*

- a. Any (NCJJC) staff member who is found to have committed any act of sexual abuse, including, but not limited to those outlined in **section II, B** (Definitions) of this policy, shall be terminated
 - Any act of sexual abuse of a resident by staff is also a violation of **Pennsylvania State Law** and shall be referred to the appropriate authorities for criminal prosecution.
- b. Any (NCJJC) staff member who is found to have committed any act of sexual harassment of residents, other staff members, visitors or contractors, shall be subject to disciplinary sanctions which shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and any sanctions that have been imposed for comparable offenses by other staff with similar histories.
- c. **All terminations including those for violations of the (NCJJC) sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are required to be, and shall be reported, along with the reason and supporting documentation, to the Easton Police Department, the Department of Public Welfare as well as any relevant licensing agencies.**

2. *Corrective action for contractors and volunteers (PREA § 115.377)*

- a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from having access to the (NCJJC) and shall be reported to law enforcement agencies for possible criminal prosecution, and to relevant licensing bodies.
 - The (NCJJC) shall take appropriate remedial measures, if any exist, and shall consider whether to prohibit further contact with juveniles, in the case of any
 - Other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

3. *Interventions and disciplinary sanctions for residents (PREA § 115.378)*

- a. If, during the course of any investigation, it is reported by the investigators or prosecutors that there is a preponderance of the evidence to substantiate an administrative finding that the juvenile engaged in juvenile-on-juvenile sexual abuse, or following a criminal finding of guilt for juvenile-on-juvenile sexual abuse, the juvenile shall be subject to disciplinary sanctions pursuant to the formal disciplinary process.

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- Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the juvenile's disciplinary history, and the sanctions imposed for comparable offenses by other juveniles with similar histories, and shall consider whether a juvenile's mental disabilities or mental illness contributed to his or her behavior.
 - In the event a disciplinary sanction results in the isolation of a juvenile, the (NCJJC) shall not deny the juvenile daily large-muscle exercise or access to any legally required educational programming or special education services, unless the juvenile has demonstrated that his/her behavior clearly jeopardizes the safety and security of staff or other juveniles.
 - Juveniles in isolation shall receive daily visits from a medical or mental health care clinician.
 - Juveniles shall also have access to other programs and work opportunities to the extent possible.
- b. To the extent possible, the (NCJJC) shall consider whether to offer the offending juvenile participation in interventions such as therapy, counseling, or other programs designed to address and correct underlying reasons or motivations for the abuse, but only to the extent available.
- The (NCJJC) may require participation in such interventions, if available, as a condition of access to any rewards-based behavior management system such as the Level System, but not as a condition to access to general programming or education.
- c. A juvenile may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.
- Such a finding may also require a referral for prosecution of the juvenile.
- d. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, and may not be the grounds for disciplinary action, even if an investigation does not establish evidence sufficient to substantiate the allegation.

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X. Medical and Mental Care:

1. Medical and mental health screenings; history of sexual abuse (PREA § 115.381)

- a. Procedures governing the offering of follow up meetings with medical and mental health practitioners within 14 days of intake for juveniles that are identified as sexual abuse victims through the intake screening as outlined in **Policy 3.01**.
- b. Procedures governing the offering of follow up meetings with a mental health practitioner within 14 days of intake for juveniles that are identified as a sexual abuser through the intake screening as outlined in **Policy 3.01**.
- c. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

2. Access to emergency medical and mental health services (PREA § 115.382)

- a. 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.
- 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 **Policy 6.01** and shall immediately notify the appropriate law enforcement agency and medical and mental health practitioners.
- c. Juvenile victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate
- e. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

3. Ongoing medical and mental health care for sexual abuse victims and abusers (PREA § 115.383)

- a. The (NCJJC) shall offer medical and mental health evaluation and, as appropriate, treatment to all juveniles who have been victimized by sexual abuse in any secure confinement.
- b. The evaluation and treatment of such victims shall include, as appropriate:

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- Follow-up services,
 - Treatment plans, and,
 - When necessary, referrals for continued care following their transfer to other facilities, or their release from custody.
- c. The (NCJJC) shall provide such victims with medical and mental health services consistent with the community level of care.
- d. Juvenile victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- If pregnancy results, the victim shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 - Juvenile victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
 - Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
 - The Northampton County Juvenile Probation Department historically sets up mental health evaluations of all juveniles who are known and suspected juvenile-on-juvenile abusers. If this is not accomplished within 60 days of learning of such abuse, the (NCJJC) will attempt to have the evaluation completed and offer treatment when deemed appropriate by mental health practitioners.

XI. Data Collection and Review:

1. *Sexual abuse incident reviews (PREA § 115.386)*
- a. Within 30 days of the conclusion of any sexual abuse investigation, a sexual abuse incident review shall be completed by an ad hoc sexual abuse incident review team, unless the allegation was found to have been unfounded.
- b. The review team shall consist of the Director, the Training Coordinator and the PREA Coordinator.
- Input and/or participation should also be solicited from supervisors, investigators, medical and mental health practitioners.
- c. The review team shall also:
- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - Consider whether the incident or allegation was motivated by:

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- race
- ethnicity
- gender identity
- lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status
- Gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.

- d. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- e. Assess the adequacy of staffing levels in that area during different shifts;
- f. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- g. Prepare a report of its findings, with any recommendations for improvement.
- h. The review team's recommendations shall be considered for implementation to improve the effectiveness of the (NCJJC) to protect residents. If the facility does not implement the recommendations for improvement, the facility shall document its reasons for not doing so.

2. Data collection, storage, publication and destruction (PREA § 115.387, 115.389)

- a. Procedures governing the collection of data for every allegation of sexual abuse are found in **Policy 9.01**.

3. Data review for corrective action (PREA § 115.388)

- b. Procedures governing the review of data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training are found in **Policy 9.01**.

XII. Auditing and Corrective Action:

1. Frequency and scope of audits. (PREA § 115.401)

- a. During the one-year period starting on August 20, 2013, the (NCJJC) shall take all steps necessary to be audited.
 - The audit shall be conducted by an auditor certified by the US Department of Justice to conduct audits of juvenile facilities for compliance with the National PREA Standards to Prevent, Detect, and Respond to Prison Rape.

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- No audit of the (NCJJC) shall be conducted by an auditor who has received financial compensation from the (NCJJC) (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.
 - Subsequently, the (NCJJC) shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the (NCJJC)'s retention of the auditor, with the exception of contracting for subsequent PREA audits.
- b. The (NCJJC) shall bear the burden of demonstrating compliance with the standards.
- c. The auditor shall:
- Review all relevant policies, procedures, reports, internal and external audits, and accreditations.
 - Review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
 - Have access to, and shall observe, all areas of the (NCJJC).
 - Be permitted to request and receive copies of any relevant documents (including electronically stored information).
 - Retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations.
 - Such documentation shall be provided to the Department of Justice upon request.
 - Interview a representative sample of juveniles, and of staff, supervisors, and administrators.
 - Review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
 - Be permitted to conduct private interviews with juveniles.
 - Attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the (NCJJC).
 - Furnish contact information to the (NCJJC), which shall be posted in a conspicuous place visible to staff and juveniles, who shall both be permitted to

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send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

2. *Audit corrective action plan (PREA § 115.404)*

- a. Upon receiving the summary report, if the auditor has found the (NCJJC) to be out of compliance with any number of standards, the (NCJJC) shall work with the auditor to jointly develop and fully implement a corrective action plan to achieve compliance within the allotted 180-day corrective action period.
- b. After the 180-day corrective action period ends, the auditor shall issue a final report with the determination as to whether the (NCJJC) has achieved compliance with the PREA Standards, including those requiring corrective action in the summary report.
 - If it is found that the (NCJJC) is non-compliant with any standard, the Director shall address those items with the Northampton County Court of Common Pleas and the Northampton County Prosecuting Office.
- c. The (NCJJC) shall ensure that the auditor's final report is published on the (NCJJC)'s website.

Correction of Errors

Correction of errors may occur when discovered and shall be retroactive. Neither the NCJJC nor the employee shall benefit by errors in application or interpretation of NCJJC policies, practices or procedures.

Exceptions

Exceptions to this policy may be considered on a case-by-case basis. Such written exceptions must be submitted to the Director of Operations, and if need be, approved by the Office of Court Administration and shall be considered a one-time, non-precedential, exception and not the establishment of a past practice. Exceptions made without written approval as described above shall be invalid.

References

National Institute of Corrections (N.I.C)
Washington College of Law Project on Addressing Prison Rape
National Prison Rape Elimination Commission
Bureau of Justice Assistance
D.P.W 3800.15 referencing Child Abuse: sections (a) & (b)
D.P.W 3800.16 referencing Reportable Incidents: sections (a) thru (h)
D.P.W 3800.31 referencing Notification of Rights & Grievance Procedures: (a) thru (f)
D.P.W 3800.33 referencing Prohibition against Deprivation of Rights: (a) thru (c)
D.P.W 3800.51 referencing Child Abuse and Criminal History Checks
Prison Rape Elimination Act

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HARRASSMENT POLICY AND PROCEDURES

Department of Justice

Approved By:



Director of Operations

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