



**Linn County Juvenile Detention & Diversion Services  
PREA Policy  
(updated 11/1/17)**

PREA Coordinator – Dawn Schott  
PREA Compliance Manager – Marcus Wise  
PREA Resource Team Member – Dan Williams

**Policy:**

The Linn County Juvenile Detention Center has zero tolerance for sexual abuse and/ or sexual harassment of residents either by staff or other residents. This policy establishes the zero tolerance standard for the incidence of sexual abuse/assault in accordance with the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape, which does include Juvenile facilities.

The LCJDC has established this policy to help prevent, detect, and respond to any incident of sexual abuse or sexual harassment within the center. This policy establishes guidelines for action including, but not limited to: staff training and education; reporting and investigative standards, detainee victim services and support; and data collection measures related to sexual abuse at the LCJDC.

**Definitions related to LCJDC PREA policy in compliance with § 115.6.**

For purposes of this policy, the term—

**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 or inmate.

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

**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 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 who's 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 18, unless under adult court supervision and confined or detained in a prison or jail.

**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 an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

**Resident** 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 residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents 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.

**Security staff** means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the 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.

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

**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.

**Undergarment Search** means the juvenile is required to remove all of his or her clothing except undergarments and a visual inspection is completed.

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

***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.

***Youthful detainee*** means any person under the age of 18 who is under adult court supervision and detained in a lockup.

***Sexual abuse includes:***

- Sexual abuse of a resident by another resident
- Sexual abuse of a resident by a staff member, contractor, or volunteer.
- 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.
- Sexual abuse of a resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or 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 above in this section
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident,
- Voyeurism by a staff member, contractor, or volunteer.
  - ✓ 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 an inmate who is using a toilet in his or her room to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions

### **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
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

## **PREVENTION**

### **Prevention (§115.31) Resident on Resident Assault Prevention.**

- Staff members will make every attempt to house residents with a history of sex crimes in different housing areas away from younger or vulnerable residents. Staff will do this to the extent that the population of the Center allows segregation.
- If staff members see a resident with a history of sex crimes exhibiting behaviors that could be deemed as grooming or attempting to intimidate another resident, we will implement a no contact between the two.
- Staff members will assure that two residents are never allowed in a single room, restroom, or any other place that is not supervised closely at the same time.
- Staff members will not allow residents to physically touch each other.
- Staff members will not allow residents to make any physical gestures, engage in conversation or joke in a way that could be deemed sexually provocative.

### **Agency Protection Duties. (115.362)**

- When LCJDC learns that a resident is subject to a substantial risk of imminent sexual abuse, LCJDC shall take immediate action to protect the resident.

### **Prevention – Staff Member on Resident Assault Prevention**

- Potential staff members will receive a thorough background and child abuse history check before being employed at the Center.
- Staff members will never be alone with a resident in a shower area or any other place in the Center that is not covered by camera surveillance or the direct visual vicinity of the control room or another staff member.
- Pat downs and strip searches will always be performed by a staff member of the same gender as the resident. Searches will always be conducted with another staff member present.
- Staff members will not engage in any behavior or conversation of a sexual nature in the presence of the residents.
- Staff members will assure that two residents are never allowed in a single room, restroom or any other place that is not supervised closely at the same time.
- Staff members will not make any physical gestures, engage in conversation or joke in a way that could be deemed sexually provocative or cause a resident to feel uncomfortable.
- All staff will announce their presence when entering a resident's bedroom or living unit bath room/shower closet.

### **Cross-Gender/ Trans-Gender/Intersex viewing and searches in compliance with §115.315:**

- LCJDC will not conduct cross-gender strip searches, pat downs or cross-gender visual body cavity searches (meaning a search of the anal or genital opening).
- Here at the LCJDC, residents will be enabled 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 room checks. Staff of the opposite gender shall announce their presence when entering a resident's bedroom or bathroom.
- The LCJDC shall not search or physically examine 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.
- Since all youth that come into LCJDC have to be patted down and partake in an undergarment search, when a transgender/intersex youth is admitted the youth will be asked which gender they consider themselves and then the staff of that same sex will complete the security process of admission. This decision requires input from a shift supervisor or the on-call supervisor before searches are completed.
- Pat-downs and undergarment searches of transgender/intersex youth require the presence of a secondary observer.

### **Center Staffing Pattern (§115.313):**

- During waking hours the facility will staff with a minimum ratio of 1 staff per 5 youth.
- During the overnights when youth are in their respective bedrooms the staff ratio will drop to 1 staff per 10 youth.
- The overall male/female staff ratio will remain consistent with the male/female population ratio. This must be addressed when hiring new staff.
- On any given shift there will always be at least 1 male and 1 female staff scheduled for coverage.

### **Specialized training (§115.335):**

- LCJDC will maintain a part time nurse to work regularly with the facility trained in:
- How to detect and assess signs of sexual abuse and sexual harassment
- How to preserve physical evidence of sexual abuse
- How to respond effectively and professionally to juvenile victims of sexual abuse and/or sexual harassment
- How and to whom to report allegations or suspicions of sexual abuse and/or sexual harassment
- This training will be documented as well as the training required of all staff on the PREA standards.

### **Hiring and promotion decisions in accordance with § 115.317:**

- LCJDC 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—

- ✓ Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - ✓ Has 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 or refuse; or
  - ✓ Has been civilly or administratively adjudicated to have engaged in any sexual abuse or sexual activity previously described.
- LCJDC 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 residents.
  - Before hiring new employees who may have contact with residents, LCJDC shall:
    - ✓ Perform a criminal background records check;
    - ✓ Consult the DHS child abuse registry
    - ✓ Consistent with Federal, State, and local law, LCJDC will make 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.
  - LCJDC will conduct local criminal background records checks at least every five years of current employees as well as contractors who may have contact with residents.
  - LCJDC shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described above in this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
  - LCJDC requires all staff to abide by a continuing affirmative duty to disclose any misconduct described in this section.
  - Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
    - ✓ Unless prohibited by law, LCJDC 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.

**Use of monitoring technology:**

- A continuously recording, 24-hour per day video monitoring system is used to record visual images of all the common areas, gymnasium, classroom, and hallways to supplement the agencies sexual abuse prevention, detection, and response efforts.
- LCJDC does not use video monitoring systems in bathrooms, showers or bedrooms in the pod.
- When installing or updating video monitoring equipment, LCJDC will consider how the technology may enhance LCJDC's ability to protect residents from sexual abuse as outlined in §115.318.

**Review of policy:**

- In accordance to §115.313 at least once a year LCJDC management team, in collaboration with the PREA team will review the staff plan and the monitoring technology to access whether changes need to be made.

**Unannounced Supervisor Rounds (§115.313):**

- Supervisors of the LCJDC periodically conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment on nights as well as day shifts.
- Staff members are prohibited from alerting other staff members that these supervisory rounds are occurring.

**Residents with disabilities and residents who are limited English proficient in compliance with §115.316:**

- LCJDC shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- LCJDC will, when necessary, provide interpreters who can effectively, accurately and impartially communicate with the youth.
- LCJDC will ensure that written materials will be accessible in other languages or formats to aid in the communication across language barriers.
- LCJDC will not use residents as translators unless the youth's safety is in danger of being compromised.

**Training and Education:**

**Staff:** LCJDC will train all employees who may have contact with residents to be able to:

- Understand our zero-tolerance policy for sexual abuse and sexual harassment, along with understanding PREA standards;
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Understand that residents have the right to be free from sexual abuse and sexual harassment;
- Understand the residents and employees rights to be free from retaliation for reporting sexual abuse and sexual harassment;
- Dynamics of sexual abuse and sexual harassment in juvenile facilities;
- The common reactions of juvenile victims of sexual abuse and sexual harassment;
- Detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- Avoid inappropriate relationships with residents;
- All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, LCJDC will provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, LCJDC will provide refresher information on current sexual abuse and sexual harassment policies.
- The agency shall document, through employee signature that employees understand the training they have received.

**Educators Training:** The Grant Wood AEA provides Teachers and Para-educators, to the LCJDC who has direct contact with the residents on school days, throughout the school year. Due to their

high level of contact with detention residents, they will be required to do the initial training, with refresher training every two years to ensure that they:

- Are able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies in regard to PREA standards and relevant laws
- Understand the LCJDC's zero tolerance policy regarding all forms of sexual abuse
- Are trained in how to report sexual abuse.
  - ✓ Do not allow the alleged victim not to take any actions that could destroy physical evidence.
  - ✓ Immediately contact a LCJDC staff.
- Are educated on the agency's most current sexual abuse policies and procedures
- Understand a residents right to be free from sexual abuse
- Understand the right of residents and employees to be free from retaliation for reporting sexual abuse

**Interns, low-contact contractors training:** At times, the LCJDC will have interns, and various other volunteers and miscellaneous contractors working in the center. These volunteers and contractors who have a low level of contact will have training based on their level of contact with residents prior to contact with residents to ensure that they:

- Are able to fulfill their responsibilities under the LCJDC sexual abuse prevention, detection, and response policies in regard to PREA standards and relevant laws
- Understand the LCJDC's zero tolerance policy regarding all forms of sexual abuse
- Are trained in how to report sexual abuse to juvenile direct care staff and/or juvenile court services staff when appropriate
- Sign a zero tolerance policy, a criminal background check will be completed and a picture ID will be kept on file.

### **Resident education and training:**

During the intake process, LCJDC staff will educate residents, in an age appropriate fashion, on the following:

- LCJDC's zero tolerance policy regarding all forms of sexual abuse and harassment
- How to report incidents of sexual abuse (to JCO or staff)
- Within 10 days of intake, residents will be provided comprehensive age-appropriate education through video and/or staff presentation regarding:
  - Their right to be free from sexual abuse and free from retaliation for reporting abuse
  - LCJDC sexual abuse response policies and procedures

### **Intake Screening for Risk of Sexual Victimization and Abusiveness in compliance with §115.341:**

- Within 72 hours of the resident's arrival at the LCJDC and periodically throughout a resident's stay, LCJDC will attempt to obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.
- These assessments will be conducted using an objective screening instrument.
- LCJDC staff will attempt to ascertain information about:
  - ✓ Prior sexual victimization or abusiveness;
  - ✓ Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
  - ✓ Current charges and offense history;

- ✓ Age;
  - ✓ Level of emotional and cognitive development;
  - ✓ Physical size and stature;
  - ✓ Mental illness or mental disabilities;
  - ✓ Intellectual or developmental disabilities;
  - ✓ Physical disabilities;
  - ✓ The residents own perception of vulnerability;
  - ✓ Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
- This information shall be ascertained through conversations with the resident during the intake process and medical assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident’s file or Juvenile Court Officer. LCJDC will implement appropriate controls to make sure that sensitive information is not exploited to the resident’s detriment by staff or other residents.
  - If the screening identifies prior sexual victimization, whether it occurred in an institution setting or in the community, staff shall ensure that the youth is offered a follow-up meeting with a medical practitioner within 14 days of the screening in accordance to §115.381.
  - If the screening identifies that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. If the youth would like to meet with a mental health practitioner LCJDC will work with Juvenile Court to get an appointment scheduled as well as the sheriff’s department for transportation if necessary.

**Placement of residents in pod and classroom assignments in accordance to § 115.342:**

- LCJDC shall use all information obtained pursuant to § 115.341 and subsequently to make pod and classroom assignments for residents with the goal of keeping all residents safe and free from sexual abuse.
- Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny residents daily large-muscle exercise and any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician.
- Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular pod, bed, or other assignments solely on the basis of such identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- A transgender or intersex resident’s own views with respect to his or her own safety shall be given serious consideration.
- If a resident is isolated as a means of keeping them or the group safe, the facility shall clearly document:
  - ✓ The basis for the facility’s concern for the resident’s safety; and
  - ✓ The reason why no alternative means of separation can be arranged.
- Every 30 days, the facility shall afford each resident placed in isolation a review to determine whether there is a continuing need for separation from the general population.

**RESPONSE**

## **Alleged Sexual Assault Response/Treatment Protocol:**

**Staff first responder duties:** In compliance with §115.364, 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
- Preserve and protect any crime scene until appropriate steps can be taken to collect evidence
- Request the alleged victim not take any action that could destroy physical evidence, including, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating
- Immediately contact supervisor on duty/on-call and notify Control Room.
- Secure an interpreter if necessary (§115.316).
- Complete PREA Special Incident Report

### **Treatment of the Alleged Victim – Resident on Resident Assault**

- All allegations will be taken seriously and be investigated.
- The Center Director will be contacted and informed of the situation immediately.
- The victim of the alleged assault will be sight and sound separated from the perpetrator.
- The alleged victim of the assault will be placed on suicide watch until cleared by the facility nurse in conjunction with a supervisor/director.
- The Youth Services Supervisor/ Director will contact the Rape/Sexual Assault Program offered through River Center and immediately enlist the services of an Advocate from that agency. (319) 363-1458. 24 hour crisis line (319)363-2093.
- The County Risk Manager will be contacted by the Director.
- Supervisor/Director will contact Juvenile Court Services as well as the victim's parents and make them aware of the situation.
- Staff members will work with Juvenile Court and the Linn County Sheriff's Department to arrange medical treatment/examination of the alleged victim at St. Luke's Hospital.
- Staff members, as well as the Management Team, will work closely with the victim, Juvenile Court Services, the Rape/Sexual Assault Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with the situation.
- The allegation will be reported to attorneys within 7 days.

### **Treatment of the Alleged Victim – Staff Member on Resident Assault**

- All allegations will be taken seriously and be investigated.
- The Center Director will be contacted and informed of the situation immediately.
- The alleged perpetrator of the assault will be placed on administrative leave pending an investigation of the incident. No contact will be allowed between the alleged perpetrator of the assault and the victim.
- The alleged victim of the assault will be placed on suicide watch until cleared by the facility nurse in conjunction with a supervisor/director.
- No staff member will speak to the victim of the assault about the specifics of the incident in an investigatory way. This is the job of law enforcement.
- The Youth Services Supervisor/ Director will contact the Rape/Sexual Assault Program offered through River Center and immediately enlist the services of an Advocate from that agency. (319) 363-5490

- The County Risk Manager will be contacted by the Director.
- Supervisor/Director will contact Juvenile Court Services as well as the victim's parents and make them aware of the situation.
- Staff members will work with Juvenile Court and the Linn County Sheriff's Department to arrange medical treatment/examination of the alleged victim at St. Luke's Hospital.
- Staff members, as well as the Management Team, will work closely with the victim, Juvenile Court Services, the Rape/Sexual Assault Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with the situation.

**Ongoing medical & mental health care for sexual abuse victims and abusers in accordance to §115.383:**

- LCJDC shall offer medical and mental health evaluations and, when appropriate, treatment to all residents who have been victimized by sexual abuse within the LCJDC.
- The evaluation and treatment of such victims should include, when appropriate, follow-up services, treatment plans, referrals for continued care following their discharge from custody.
- Services provided will be consistent with the community level of care.
- Female victims of vaginal penetration while residing in the LCJDC will be offered a pregnancy test.
- If a pregnancy occurs from sexual abuse while residing in LCJDC, the victim will receive timely and comprehensive information as well as access to all lawful pregnancy-related medical services.
- Victims of sexual abuse while residing at LCJDC will be offered tests for sexually transmitted diseases/infections as medically appropriate.
- All treatment services to the victim of sexual abuse will be without financial cost to the victim regardless of whether the victim names the abuser or cooperates with the investigation.
- LCJDC will work with juvenile court to attempt to complete a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such an abuse history.

## **INVESTIGATIONS**

**Investigation of the Incident** – Staff Member on Resident Assault

- All allegations will be taken seriously.
- The area that the alleged victim identifies as being the site of the assault will be closed off and deemed inaccessible to anyone but law enforcement personnel. This area will be locked or inaccessible until it is 'cleared' by law enforcement.
- The Center Director will be contacted and informed of the situation immediately.
- The Center Director will contact Law Enforcement as well as Child Protective Services in order to begin an investigation into the incident.
- The alleged perpetrator of the victim will be placed on administrative leave pending investigation of the incident. No contact will be allowed between the alleged perpetrator of the assault and the victim.

- No staff member will speak to the victim or the alleged perpetrator of the assault about the specifics of the incidents in an investigatory way. This is the job of the law enforcement.
- The Youth Services Supervisor/Director will contact that Rape/Sexual Assault Program offered through River Center and immediately enlist the services of an advocate from that agency. (319) 363-1458
- The Youth Services Supervisor/Director will contact Juvenile Court Services as well as the victim's parents and make them aware of the situation.
- Staff members will work with the Juvenile Court and the Linn County Sheriff's Department to arrange medical treatment/examination of the alleged victim at St. Luke's Hospital.
- Staff members as well as the Management Team will work closely with the victim, Juvenile Court Services, the Rape/Sexual Assault Advocate to assure that the alleged victim is treated with dignity and receives all of the counseling and medical services deemed appropriate by the professionals dealing with this situation.

**Global Investigation Policy:**

LCJDC director will ensure all reports of sexual abuse are investigated promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports. Reports of sexual abuse will be reported to the Linn County Sheriff's Office for criminal investigation. All LCJDC staff shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**Administrative Investigations:**

LCJDC director will conduct administrative investigations after receiving reports of any type of abuse or harassment to determine whether staff actions or failures to act contributed to the abuse/harassment. Investigations will 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. LCJDC will retain all written reports referenced above for as long as the alleged abuser is held or employed by the agency, plus five years. The departure of the alleged abuser or victim from employment or control of the facility shall not provide a basis for termination of the investigation.

**Evidentiary Standard:**

LCJDC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

## **REPORTING**

**Resident Reports of Sexual Abuse:**

As required in §115.351, LCJDC provides multiple internal ways for residents to report easily, privately, and securely; sexual abuse, retaliation by other residents or staff for reporting abuse, and staff neglect or violation of responsibilities that may have contributed to sexual abuse. All residents have regular access to direct line staff members, shift leaders, the center director, Grant Wood AEA school teachers, and contractors. Residents are informed upon intake that they may make a verbal report to any of these staff at any time or write a confidential "letter to the director." Also, they are informed they may make a report to their Juvenile Court Officer at any time. Staff will accept reports made verbally, in writing, anonymously, and by third parties. All verbal reports and third party reports will be immediately put into writing and the

center director will be notified immediately. Residents will be provided the tools necessary to write a report at any time (pencil, paper).

### **Staff Reports of Sexual Abuse (§115.361):**

LCJDC staff shall report sexual abuse and harassment immediately and take immediate action (in the event of witnessing sexual abuse) towards fellow staff and/or residents to stop the abuse. Staff are able to privately report sexual abuse by writing a note and putting under a supervisors/director's door. LCJDC requires all staff report any knowledge suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility, retaliation against residents or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All LCJDC staff are expected to follow all Mandatory Child Abuse Laws. LCJDC staff members are 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.

### **Resident Access to Outside Support Services and Legal Representation:**

LCJDC provides residents with access to outside victim advocates for emotional support services related to sexual abuse by informing residents for the rape/sexual assault counseling and advocacy crisis line. Residents are provided the phone number upon intake and informed they may call at any time. Staff will inform them that their call will not be monitored but that if they report sexual abuse during the call, the phone counselor will likely make a report on their behalf. This is in compliance with §115.353.

### **Medical and Mental Health Care Professionals Reporting:**

Medical and mental health practitioners who come into contact with LCJDC residents are required to report sexual abuse to the center director upon witnessing sexual abuse or receiving a report of sexual abuse. Medical and mental health practitioners are required to inform residents at the initiation of services of their duty to report and limitations of confidentiality. This is in compliance with §115.335.

### **Reporting to Other Confinement Facilities:**

As required by §115.363, upon receiving an allegation that a resident was sexually abused while confined at another facility, the director will notify the head of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The center director will document the notification in the resident's case file. If LCJDC receives an allegation from an outside agency, the center director will ensure that the allegation is investigated in accordance with this procedure.

### **Third Party Reports:**

All third party verbal or written reports of sexual abuse or sexual harassment shall be directed or forwarded confidentially to the facility director or a designee.

### **Reporting Investigation Findings to Residents:**

Following an investigation into a resident's allegation of sexual abuse suffered at LCJDC, the center director will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, as required in §115.367. If the investigation was conducted by a local law enforcement agency, the director will request the relevant information in order to inform the resident. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the director will inform the resident (and document notification) if and when:

- The staff member is no longer posted within the residents unit
- The staff member is no longer employed by the facility
- LCJDC learns that the staff member has been indicted on a sexual abuse charge

Following a resident's allegation that another resident has committed sexual abuse against the resident, the center director will inform the resident (and document notification) if and when:

- LCJDC learns that the alleged abuser has been indicted on the related sexual abuse charge
- LCJDC learns that the alleged abuser has been convicted on the related sexual abuse charge

\*\*Note: LCJDC will only make above notifications if resident is still being held in the LCJDC.

### **Agency protection against retaliation in compliance with §115.367:**

- All residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other residents or staff. LCJDC Director shall be charged with monitoring retaliation.
- LCJDC will employ multiple protection measures, such as pod changes for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- For at least 90 days following a report of sexual abuse, LCJDC will monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff. LCJDC will also act promptly to remedy any such retaliation. Items monitored include any resident disciplinary reports, pod, or program changes, or negative performance reviews or reassignments of staff. Such monitoring will go beyond 90 days if the initial monitoring indicates a continuing need.
- In the case of residents, such monitoring shall also include periodic status checks.
- If any other individual who cooperates with an investigation expresses a fear of retaliation, LCJDC will take appropriate measures to protect that individual against retaliation.
- LCJDC's obligation to monitor shall terminate if it is determined that the allegation is unfounded.

### **Sexual Abuse Incident Reviews**

- In accordance to §115.386 a sexual abuse team (coordinator, compliance manager, resource team members) along with input from management staff, line staff and the nurse at the conclusion of every sexual abuse investigation will review the incident, except for allegations determined to be unfounded.
- Such review will take place within 30 days of the conclusion of the investigation.
- The review team will access:
  - ✓ Whether there is a need to change policy or practice to better prevent, detect or respond to sexual abuse

- ✓ Whether the incident was motivated by race, gender identity, sexual orientation, gang affiliation or some other motivation fueled by group dynamics at LCJDC.
  - ✓ Examine the area of the facility in which the incident happened to access physical barriers to supervision
  - ✓ The adequacy of the staffing pattern
  - ✓ Whether monitoring technology should be added to the facility to enhance supervision by staff
- The review team will prepare a report of the findings and any recommendations for improvement which will be kept on file.
  - LCJDC will implement the recommended improvement or document rational for not moving forward with a recommendation.

**Interventions and disciplinary sanctions for residents as required by §115.378:**

- A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.
- Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident’s disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, agencies shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents shall also have access to other programs and work opportunities to the extent possible.
- The disciplinary process shall consider whether a resident’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- Resident will be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- For the purpose of disciplinary action, 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, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- LCJDC, prohibit all sexual activity between residents and may discipline residents for such activity. Such activity will not constitute sexual abuse if it determines that the activity is not coerced.

***It should be noted that residents should be held responsible for sexual abuse or sexual harassment. It should also be understood that residents have NO capacity legally to consent to sexual conduct with staff due to their incarceration status. If it is found that a resident has made false allegations against either another resident or staff at the LCJDC, appropriate disciplinary measures will be assessed. LCJDC reserves the right to file charges for making false allegations.***

**Disciplinary Sanctions for Staff in Compliance with §115.376:**

- LCJDC staff will be subject to disciplinary action up to and including termination for violating department sexual abuse or sexual harassment policies.
- Dismissal from employment will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- 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 Linn County Sheriff Department, unless the activity was clearly not criminal and to DHS, our licensing body.

- Disciplinary actions for violations of department policies in regards to sexual harassment or sexual abuse (other than engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed also considered will be the staff's history and other action imposed for similar behavior.

**Corrective Action for Contractors and Volunteers:**

- In compliance with §115.377 any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to the Linn County Sheriff's Department and to DHS, our licensure.
- The facility will take appropriate remedial measures and in the case of any other violations of the department's sexual abuse or sexual harassment policy the agency prohibits contact with residents.

**Data Collection, Storage, and Review:**

**Data Collection:**

LCJDC will collect uniform data for every allegation of sexual abuse, alleged to have occurred inside the facility. LCJDC staff will utilize the U.S. Department of Justice "Survey of Sexual Violence – Juvenile Incident Form" to document incidents of sexual abuse alleged to have occurred inside the facility. LCJDC will aggregate the incident-based sexual abuse data annually, at the end of each fiscal year. Upon request, LCJDC will provide sexual abuse incident data to the United States Department of Justice.

**Data Review (§115.388):**

LCJDC will review data collected and aggregated annually, at the end of each fiscal year, to assess and improve effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. LCJDC Director will prepare an annual report at the end of each fiscal year which includes aggregate data, identified problem areas, and corrective action plans. The report shall include a comparison to previous year's data and a report on LCJDC's progress in addressing sexual abuse.

- The report will be available thru the LCJDC website
- LCJDC can redact specific material from reports when publication would present a clear and specific threat of danger to the safety and security of the facility. The nature of the redaction will be noted.

**Data Storage, Publication, and Destruction (§115.393):**

All sexual abuse data collected by LCJDC staff will be securely retained in the Director's locked office. LCJDC will maintain sexual abuse data collected for 10 years after the date of its initial collection.

- LCJDC will make all aggregated sexual abuse data available to the public at least annually on the website.
- Before any material is made public all personal identifiers will be removed. The protection of the youth served by this facility is a top priority.

**Audits (§155.393):**

During a three year period starting on August 20, 2013 and during each three year period following LCJDC will ensure that the facility is audited at least once by a qualified auditor.