

PIERCE COUNTY JUVENILE DETENTION FACILITY	Policy Number: 17.10	Pages: 1 of 8
Chapter: Programs	Subject: Prison Rape Elimination Act (PREA) Sexual Abuse/Assault Prevention and Intervention	

I. POLICY: Pierce County Juvenile Court has a zero tolerance toward all forms of sexual abuse and sexual harassment. The agency is committed to preventing, detecting and responding to any/all incidents of sexual activity with youth in our care. The Juvenile Court commits to full compliance with the Prison Rape Elimination Act (PREA) and all criminal laws. Any type of sexual activity between juveniles or between staff and juveniles is criminal and prohibited.

II. DEFINITIONS:

Sexual Misconduct: Any behavior or act of a sexual nature directed toward a person under the care, custody, or supervision of the department (agency) and/or collateral contact by the person in authority including but not limited to: family members, employers, friends, and other close associates.

Department or Agency Can Include:

- employee
- volunteer
- visitor
- contractor or service provider
- intern
- treatment provider
- or other agency representative working in an official capacity

Sexual Misconduct includes, but is not limited to, acts or attempts to commit acts of:

- sexual assault
- sexual abuse
- sexual harassment
- sexual contact of the genitals, breasts or other intimate part of the body
- conduct of a sexual nature by implication
- obscenity or unreasonable invasion of privacy
- conversations or correspondence which suggests a romantic or sexual relationship between parties in the groups referenced above.

Sexual Abuse – includes, but is not limited to, subjecting another person to any

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sexual act or contact between an employee, volunteer, contractor, or agency representative, and a detainee or client, by force, persuasion, inducement, or enticement; any sexual act or contact in which an employee, volunteer or agency representative participates or forces any juvenile or client to engage; subjecting another person who is incapable of giving consent by reason of their supervision or custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.

Sexual Activity – Sexual conduct or sexual contact, or both.

Sexual Assault – Any contact between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.

Sexual Conduct – Intercourse, fellatio and cunnilingus between persons regardless of sex; and without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another.

Sexual Contact – behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, inner thighs, buttocks, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person.

Sexual Harassment – includes, but is not limited to, all of the following, whether by staff, volunteers, contractors, other agency representatives, or youth:

sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any juveniles (or staff's) safety, supervision status, conditions of supervision, custody status, or privacy, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

Staff Sexual Misconduct – Sexual contact or acts directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative, including completed, attempted, threatened, or requested sexual acts and occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

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Rape – Any sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

Voyeurism – The invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering at a youth who is using the bathroom; requiring a youth to expose his or her buttock, genitals, or breasts; or using images of all or part of a youth’s naked body.

III. PROCEDURES:

- A. It shall continue to be the policy and practice that Lead Detention Officers, Detention Supervisors and Administrators conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This includes the following:
 1. Unannounced rounds are to be conducted on all shifts.
 2. All staff are prohibited from alerting other staff members that supervisory rounds are occurring.

- B. General: It is the policy of the Pierce County Juvenile Court to ensure that sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, and juveniles and juveniles, regardless of consensual status are prohibited and subject to administrative and criminal disciplinary sanctions.
 1. All employees, volunteers and independent contractors are expected to have a clear understanding that the department strictly prohibits any type of sexual relationship with an individual under department supervision to be a serious breach of the standards of employee conduct and these relationships will not be tolerated. Engaging in a personal and/or sexual relationship may result in employment termination and/or termination of the contractual or volunteer status.
 2. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
 3. Staff to juvenile sexual activity, juvenile to juvenile sexual activity, sexual assault, rape, sexual conduct and sexual contact as defined in this policy and with the Revised Code of Washington are prohibited.

- C. The PREA Coordinator is responsible for the oversight of all Prison Rape

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Elimination Act (PREA) related activities. The PREA Coordinator will coordinate procedures to identify, monitor, and track sexual statistics in conjunction with Juvenile Court Administration. The PREA Coordinator ensures that PCJC is in compliance with the Prison Rape Elimination Act of 2003.

- D. The Juvenile Detention Manager will coordinate administrative and criminal investigations of alleged incidents of sexual misconduct in cooperation with the PREA Coordinator and law enforcement as needed.
- E. Standard procedures are in place to detect and prevent sexually abusive behavior at PCJC. Among these procedures is that PCJC will remain in compliance with the PREA minimum staffing requirements during both waking and sleeping hours.
 - 1. Staffing ratios would be less than minimum only during limited and discrete exigent circumstances.
 - 2. Any circumstances that take the staffing levels lower than minimum are subject to be fully documented.
- F. Victims of sexually abusive behavior will receive prompt and effective responses to their physical, psychological, and security needs.
- G. Allegations of sexually abusive behavior receive prompt intervention and investigation upon report.
- H. The perpetrators of sexually abusive behavior will be disciplined and, when appropriate, prosecuted in accordance with local, state and/or federal law.
- I. Obligation to report: Any employee who is a witness to or has knowledge of any sexual activity, assault and/or rape shall be responsible to immediately report it to the supervisor or designee. An employee who knowingly fails to report sexual activity, assault and/or rape of a youth shall be subject to disciplinary actions.

Any employee or juvenile of the Pierce County Juvenile Court is prohibited from retaliating against other employees or juveniles for reporting allegations of sexual activity/assault. Employees and/or juveniles who are found to have violated this prohibition shall be subject to disciplinary action.

- J. Reporting: Regardless of its source, PCJC employees, volunteers, contracted staff, service providers, visitors, treatment providers, interns, or

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other agency representatives working in an official capacity who receive information concerning youth on youth sexual misconduct at the detention facility, or observe an incident of youth on youth sexual misconduct, or have reasonable cause to suspect a youth is a victim of sexual misconduct, must immediately report the information or incident directly to their immediate supervisor.

1. The supervisor will notify the Detention Manager as soon as possible, after initiating a separation of the youth, and receive direction as to immediate response and information gathering (incident reports, statements etc.).

K. Offender Reporting:

1. Youth who are victims of, or have knowledge of, sexual misconduct should immediately report the incident to a staff member.
2. Youth may utilize the drop box procedure to report sexual misconduct in accordance with facility procedures. The Detention Manager or his/her designee will check the drop boxes and take appropriate action regarding the report.
3. Youth are not required to file written reports; however, JDO's who receive verbal reports from youth are required to report the information immediately to a supervisor and document the information via a confidential incident report.
4. Substantiated deliberately malicious or false reports by youth, or other parties, will result in disciplinary action and/or criminal charges.

IV. SCREENING:

- A. All JDO's and youth must be alert to signs of potential situations in which sexual abuse might occur. Signs may include, but aren't limited to:
 1. JDO and youth undue familiarity
 2. Preferential treatment
 3. Material and/or financial rewards
 4. Favors
- B. At booking, staff will identify, assess, and manage youth with special needs (including those who are potentially vulnerable and potentially dangerous), to provide safe housing, adequate protection, and programmatic resources to meet their needs. Staff will inquire whether youth have been victims of

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or perpetrators of, sexual abuse to establish a safe housing environment for all youth. Youth are only isolated as a last resort and must include communication and concurrence from administration.

- C. Victims or perpetrators of sexual abuse are referred to medical and/or mental health specialists ASAP. Ongoing treatment will be established if deemed necessary by health care providers.
- D. JDO's are prohibited from physically examining transgendered or intersex youth to determine the youth's genital status.
- E. All staff will be trained on both statutory laws and PREA policies that pertain to their official duties.
- F. Cross-gender strip searches are prohibited unless performed by a medical practitioner. Cross-gender pat-down searches are prohibited except in exigent circumstances.

V: ORIENTATION:

- A. All detention staff are informed of the PREA policy and will assist to advise all other PCJC staff, interns, volunteers and outside contractors in addition to the youth regarding the "zero tolerance" philosophy and practice in regards to sexually abusive behavior and how to report these incidents.
- B. All youth will receive information about sexual misconduct during intake processing. JDO's must ensure that the information is communicated both verbally and in writing and clearly understood by the youth. Information provided will include, but is not limited to:
 - 1. Discussion of this policy and procedure.
 - 2. PCJC's zero tolerance stance.
 - 3. Self-protection methods.
 - 4. Prevention and intervention.
 - 5. Treatment and counseling.
 - 6. Reporting incidents.
 - 7. Protection against retaliation
 - 8. Consequences of false allegations.
- C. Orientation tests will include sufficient questions to accurately assess a youth's understanding of the PREA policy parameters. JDO's will maintain the completed documents, that verify that they have received and understand this information, in the youth's detention file.

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VI: INTERVENTION

- A. Juvenile Detention Officers who receives an initial report of sexual misconduct must separate the alleged victim from the alleged assailant to protect the victim and prevent further violence.
- B. Juvenile Detention Officers who receives an initial report of sexual misconduct are required to promptly intervene on the alleged victim's behalf to ensure the victim receives prompt medical and psychological assistance, as appropriate to his or her needs and the circumstances of the alleged offense. Alleged victims of sexual misconduct must have an assessment for potential risk of suicide.
- C. The Juvenile Detention Officer who is the first responder to a report of sexual abuse has the responsibility to protect the scene to preserve the evidence. This protection of the scene must continue until the JDO is relieved of this responsibility by a Supervisor.
- D. Psychological trauma may occur to individuals other than the alleged victim of sexual misconduct. Mental health staff shall be contacted and respond to support and assist those in need.

VII: SERVICES PROVIDED

- A. In the event a report is received regarding sexual misconduct, the information requested must include the approximate date/time of the assault. If the occurrence was within the last 96 hours the following services will be made available:
 - 1. Access to medical examination, documentation, and treatment of injuries (to include testing for HIV and other sexually transmitted diseases).
 - 2. Mental health crisis intervention and treatment.
- B. Incidents of sexual misconduct reported more than 96 hours after the incident will be referred to health care providers who will:
 - 1. Complete a patient medical history and conduct an examination, if necessary to document the extent of physical injury. Determine whether referral to another medical facility is indicated.

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2. Offer to all alleged victims, as appropriate, prophylactic treatment and follow up care for sexually transmitted or other communicable diseases (e.g. HIV, hepatitis B).
3. Arrange for an evaluation by a qualified mental health professional for crisis intervention counseling.

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- I. POLICY: Pierce County Juvenile Court will adopt and follow PREA standards. This includes, but is not limited to, requirements as to:
- reporting incidents
 - investigation protocol
 - documentation standards and notification
 - education and training

II. DEFINITIONS:

Reasonable Cause: means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, sexual harassment or neglect of a child.

III. REPORTING:

- A. Regardless of its source, PCJC employees, volunteers, contractors and teachers who receive information concerning sexual misconduct at the facility, or who observe an incident of sexual misconduct, must immediately report the information or incident directly to their immediate supervisor.
- B. Incident reporting requirements involve both youth to youth and staff to youth situations. This duty includes any reasonable cause to suspect that a youth is a victim of sexual misconduct.
- C. Any PCJC employee, volunteer, contractor or teacher who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face criminal and/or disciplinary action.
1. Upon notification of a situation the Supervisor will do the following:
 - a. notify the Detention Manager as soon as practicable
 - b. monitor and complete all relevant incident reports
 - c. distribute all reports to the Detention Manager and send a duplicate set to the PREA Coordinator.
 2. Upon notification the Detention Manager will do the following:
 - a. Communicate with the Juvenile Court Administrator to initiate an appropriate plan of action.

D. To protect the reputations and privacy of all persons involved, including the

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accuser, accused, and the alleged victim, all information relating to suspected abuse, neglect or custodial sexual misconduct, including verbal and written reports, shall be handled with the highest level of confidentiality at all points in the reporting and investigation process. Information will be limited to those with a legitimate need to know.

E. Youth can report any instances of sexual abuse/harassment through the following modes:

1. Verbally tell a PCJC staff member.
2. Request sufficient paper to write it down and an envelope so it may be sealed and addressed to the Detention Manager. They then should place the write-up in the drop box.
3. Leave a message with their respective Probation Officer requesting to see them ASAP.
4. For anonymous reporting, youth can call the Sexual Assault Center hotline posted in each pod.

F. The written report shall include, if known:

1. Name and age of the alleged victim(s)
2. Name and title of the alleged perpetrator
3. The nature and extent of the alleged abuse, injury or injuries
4. Location of the incident
5. Date and time of the incident
6. Staff on duty at the time
7. Other witnesses
8. Other pertinent information

G. Third party reports can be made on behalf of a youth using one of the above listed modes (E).

H. PCJC does not have a time limit as to when a youth can submit a report

regarding sexual abuse.

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- I. Staff have a duty to report any allegation of sexual abuse as required by mandatory reporting laws (RCW 26.44.030). Youth shall be informed of the limitations of confidentiality between youth and staff.
- J. If PCJC staff are informed of alleged sexual abuse at another confinement facility they are to inform the Detention Manager. The Detention Manager will notify the head of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency.

IV. SECURITY PROCEDURES:

- A. All Detention Officers will follow appropriate security procedures, which include:
 1. Providing mental health and medical assistance for the alleged victim as soon as possible.
 2. Separating the alleged victim from the alleged perpetrator.
 3. Taking reasonable measures to identify, isolate, and separate witnesses.
 4. Securing the incident scene so items cannot be removed or introduced.
 5. Allowing only assigned investigators to assess the scene.
- B. Retaliation in any form against any youth, staff, witness, or victim who reports sexual abuse or sexual harassment, or other inappropriate behavior is prohibited. Detention Supervisors will monitor the conduct or treatment of youth while in the facility.
- C. The Detention Manager and Detention Supervisors shall monitor the behavior and treatment of staff under their supervision that have reported sexual abuse/harassment or who have cooperated with such investigations. In the event that there are signs that suggest possible retaliation, they will act immediately to remedy such retaliation.

V. INVESTIGATION:

- A. The Juvenile Court Administrator, or designee, shall conduct and/or ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.

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B. The Juvenile Court Administrator, or designee, shall ensure that all allegations of sexual abuse are referred for investigation to the Pierce County Sheriff's Department. In the case of allegations of sexual harassment it will depend upon the circumstances as to whether it is handled locally.

1. Reports or allegations of sexual abuse or sexual harassment that prove to be maliciously false upon investigation may result in discipline and/or prosecution.
2. PCJC employees, vendors, volunteers, or contract personnel who, after an investigation is found to a sustained finding of custodial sexual misconduct shall be disciplined to the fullest extent possible, up to and including termination. The formal filing of criminal charges may also occur.
3. When an investigation has determined that the allegation is false, unsubstantiated or unfounded, the staff member under investigation shall be advised of the results.

C. Detention Manager's duties:

1. Promptly report any allegation of sexual abuse to the alleged victim's parents or legal guardians unless there is official documentation indicating that the parents/legal guardians should not be notified.
2. If the alleged victim is under the guardianship of the child welfare system, report any allegation of sexual abuse to the alleged victim's caseworker instead of the parents or legal guardians.
3. Participate in agency reviews of all incidents involving allegations of sexual misconduct/abuse. This review shall be conducted at the conclusion of each investigation, and shall include those findings in which an allegation has been determined to be unfounded. The review should include upper management, with input from supervisors, investigators, and medical or mental health staff. The review shall address:
 - a. Determine if changes are needed to Policy and Procedures.
 - b. Examine areas of the facility to see if changes can be made to reduce risk.
 - c. Review safety and monitoring practices.
 - d. Determine if additional training is needed.

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- e. motivated by race, ethnicity, gender, or sexual preference.

VI. CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS:

- A. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- B. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to § 115.334. (PREA Guidelines)
- C. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- D. The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.
- E. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- F. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a youth or staff. No agency shall require a youth 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.
- G. Administrative investigations:
 - 1. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - 2. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- H. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

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- I. The agency shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile and applicable law requires a shorter period of retention.
- J. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- K. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

VII. DOCUMENTATION:

- A. All Juvenile Detention Staff who witness or have knowledge of alleged sexual misconduct must submit a confidential incident report before the end of their shift. This includes JDO's who secured the incident scene, transported youth, or talked to possible witnesses.
- B. If the alleged victim refuses medical attention following a sexual abuse incident or allegation, staff will document refusal.
- C. At the completion of a criminal investigation, the Detention Manager will notify the victim as appropriate and document the notification.
 1. The youth will be informed whether the allegation has been substantiated, unsubstantiated, or unfounded.
 2. PCJC will collect relevant information from the investigating agency to inform the youth if necessary.
 3. After an allegation of sexual abuse has been made between a youth and staff member, PCJC will inform the youth whenever:
 - (a) The staff member is no longer employed at the facility
 - (b) The agency learns that the staff member has been indicted or convicted on a charge of sexual abuse within the facility.
 4. After an allegation of sexual abuse has been made between a youth and another youth, PCJC will inform the youth whenever the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
 5. All attempts to notify will be documented.

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D. A written report will contain descriptions of evidence and testimonial of all criminal and administrative investigations. These reports must be kept for a minimum of five years. PCJC will not terminate an investigation if the youth is released before the case is closed.

VIII. EDUCATION/TRAINING:

A. All PCJC personnel, volunteers and contractors with direct and/or incidental contact with youth will receive documented PREA training during orientation and every two years. Volunteers and contractors will have training based on the level of contact they have with youth.

B. Education/Training will include, but not be limited to:

1. Review of the policy, The PREA, and any other applicable state or federal laws.
2. Prevention, investigation, prosecution of sexual misconduct, and duty to report.
3. Zero tolerance stance and that youth have the right to be free from sexual abuse and retaliation of reporting sexual abuse.
4. Recognition and dynamics of sexual misconduct, predatory youth, potential victims, and/or officer involvement.
5. Reporting procedures.
6. How to avoid inappropriate relationships with youth and how to communicate effectively and professionally with youth including gender non-conforming youth.

C. All training shall be documented that staff understand the training they have received.

D. PCJC will ensure that all medical staff have been trained to respond effectively to victims of sexual abuse and are in compliance with the PREA policies of the facility. They also have a duty to report any suspicions of sexual abuse.

E. All youth will be educated at booking of their PREA rights in an age appropriate manner.

1. During booking, all youth will be instructed about our

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zero tolerance policy regarding sexual abuse, and

2. How to report incidents of sexual abuse.

F. As a part of the Juvenile Detention Orientation packet youth will be instructed that:

1. Youth have the right to be free from sexual abuse.
2. Youth have a right to be free from retaliation of reporting instances of sexual abuse.

G. All education sessions must be documented.

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