

EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY		
PREA	Policy #	Effective Date: 7/15/16
PREA General Definitions	Related PREA Standards: 115.5 General definitions	
Approved By PREA Coordinator and Administrator		

**§ 115.5 General definitions.**

For purposes of this part, the term—

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

**Agency head** means the principal official of an agency.

**Community confinement facility** means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

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

**Detainee** means any person detained in a lockup, regardless of adjudication status.

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

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

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

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

**Intersex** - 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.

**Medical practitioner** - 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** - A licensed 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 act. A “qualified mental health practitioner” refers to a licensed mental health professional who has also successfully completed specialized training for treating sexual abuse victims.

**Pat-down search** - A running of the hands over the clothed body of a youth by staff to determine whether the individual possesses contraband.

**PREA** – Prison Rape Elimination Act

**PREA Coordinator** – Position responsible for developing, implementing, and overseeing the Department's Effort to comply with the PREA standards in all of its juvenile confinement facilities.

**PREA Facility Compliance Manager** - Position at each juvenile confinement facility operated by the Department responsible for coordinating the facility's efforts to comply with PREA standards.

**Prison Rape Elimination Act** – The United States Department of Justice final rule of national standards to prevent, detect, and respond to sexual abuse and sexual harassment in juvenile facilities; 28 C.F.R. Part 115.

**Residential facility** - A facility primarily used for the confinement of youth pursuant to the juvenile justice system or criminal justice system.

**Secure juvenile facility** - A juvenile facility in which the movements and activities of individual youth may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows youth 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** - Staff primarily responsible for the supervision and control of youth in housing units, recreational areas, dining areas, and other program areas of the facility.

**Sexual abuse by a youth** - Includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Sexual abuse by a staff member, contractor, or volunteer** - Includes any of the following acts, with or without consent of the youth:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

**Sexual harassment** - Includes—

- (1) Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another;
- (2) Repeated or unwelcome verbal comments or gestures of a sexual nature to a youth 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.

**Sexual Misconduct** – Any act of sexual abuse and/or sexual harassment as defined herein.

**Staff** – An employee of the Department, an employee of a contracted provider, a person contracted by a contracted provider.

**Strip search** - A search that requires youth to remove or arrange some or all of their clothing so as to permit a visual inspection of the youth's breasts, buttocks, or genitalia.

**Transgender** - A person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.

<b>EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY</b>		
<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>PREA Prevention Planning</b>	<b>Related PREA Standards: 115.311-115.318</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

**Policy:** The Eastern Arizona Regional Juvenile Detention Facility maintains a zero-tolerance policy towards sexual abuse and harassment of minors. Sexual abuse of minors is unacceptable under any circumstances, and is as dangerous a threat to institutional security as an escape or homicide would be. This PREA policy applies to all employees, contractors and volunteers who work or do business at the EARJDF, who are charged with providing services to juveniles who are in our care, custody or control, and who may come into close contact with them.

**Procedures:** PREA Coordinator

1. The Administrator at EARJDF shall appoint a PREA Coordinator. In this capacity, he/she will:
  - a. Develop and maintain written PREA related policies that follow the State of Arizona's Juvenile Detention Standards and meet the intent of the PEA Standards;
  - b. Develop and implement a training plan the fulfills the PREA Training Standards;
  - c. Monitor juvenile screening procedures, investigations, and medical and mental health care/treatment according to the PREA Standards;
  - d. Supervise the data collection efforts to ensure compliance with PREA Standards;
  - e. Provide appropriate access and materials to auditors.
- A. Supervision and Monitoring
  1. Detention Officers will provide the supervision necessary to ensure that the juveniles assigned to their care, custody or control, are protected from sexual abuse.
  2. Detention Sergeants and Administrators will ensure that the EARJDF is properly staffed and monitored (i.e. that adequate staffing levels are maintained of 1:8 ratio during waking hours and 1:16 ratio during sleeping hours and that installed video surveillance equipment is functioning), so that the safety of the facility, and the safety of the juveniles confined therein, are maintained.
  3. At all times, staff shall position themselves in a manner that supports adequate supervision of all assigned youth.
  4. Annually, detention management will assess, determine, and document whether adjustments are needed to the staffing plan, staffing patterns, video monitoring system and other monitoring technologies, and the resources the facility has available to ensure adherence to the staffing plan.

5. Intermediate level or higher level staff shall conduct and document unannounced rounds, during all shifts, to identify and deter staff sexual abuse and sexual harassment in all areas of the facility. These rounds will be conducted even if the Prea Coordinator and Prea Manager are absent. The PREA boxes will be checked on a daily basis in the absence of the PREA Coordinator and Prea Manager by the Asst. Administrator or Administrator.
  - a. Detention Officers are prohibited from alerting other staff members that the supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the detention center.
  - b. The Administrator shall routinely monitor all hidden or concealed locations within the facility.

B. Cross Gender Viewing and Searches

1. Cross gender strip searches and body cavity searches conducted by EARJDF staff are prohibited. If necessary, such as in exigent circumstances, these searches will be conducted by an off-site qualified medical practitioner.
2. Cross gender pat down searches are prohibited. If necessary, such as exigent circumstances, these searches will be conducted by a qualified medical practitioner.
3. Visual body cavity searches will only be conducted by medical personnel, when court ordered.
4. The Administrator will document and justify all cross-gender strip searches, cross-gender visual cavity searches, and cross-gender pat down searches conducted by medical personnel.
5. Pat searches will be only conducted on juveniles by officers of the same gender.
6. At no time shall staff search or physically examine a transgender or intersex juvenile for the sole purpose of determining the juvenile's genital status.
7. If the juvenile's genital status is unknown, it may be determined during conversations with the juvenile, 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.
8. Refer to the policy for **Searches** for more information.

C. Showering, performing bodily functions, and changing clothes

1. All youth are permitted to shower, perform bodily functions, and change clothing without nonmedical staff viewing their genitals, buttocks, breasts (female), except in the case of emergency, by accident, or performing routine cell or room checks.
2. Staff of the opposite gender when entering housing units must announce their presence to alert youth.
3. All staff entering and exiting a unit must be documented in the unit log book.
4. Refer to policy for **Showering** for more information.

D. Staff training regarding physical searches

1. Staff will be provided annual training in how to properly conduct physical searches, to include cross gender pat-down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
2. New employees will receive this training during orientation.
3. Refer to policy for **Employee Training** for more information.

E. Juveniles with disabilities and/or limited English proficient.

1. Instructions will be given both verbally and/or in writing, during the intake process, to all juveniles detained in EARJDF, informing them about the zero-tolerance policy regarding sexual abuse, and about how to report incidents or suspicions of sexual abuse, in an age-appropriate fashion.
2. A comprehensive orientation is provided to all juveniles during the intake process to include reviewing the Youth PREA Handbook verbally and in writing. The handbook is provided in English and Spanish.
3. Juveniles who are Limited English Proficient (LEP), deaf, blind, or disabled must receive these instructions in a manner which they can understand.
4. Juveniles with special needs are encouraged to report sexual abuse to staff directly, and an interpreter will be provided when needed.
5. Interpretation services may be provided by a bilingual officer or staff member who speaks the same language as the juvenile, but shall not be provided by another juvenile. The interpreter must be able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
6. Supervisors should also consider the same issues with regard to communicating with the juvenile's families, bearing in mind that the families' language abilities may be different from those of the juvenile.
7. Refer to policy **Americans with Disabilities Act** for more information.

F. Hiring and promotion decisions

1. EARJDF hiring/promoting practices will be in compliance with National PREA Standards.
2. The agency shall not hire or promote anyone who may have contact with juveniles, and shall not enlist the services of any contractor who may have contact with juveniles who has engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution.
3. The agency shall not hire or promote anyone who may have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent to refuse.

4. The agency shall not hire or promote anyone who has been civilly or administratively adjudicated to have engaged in the activity.
  5. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with juveniles.
  6. The agency will complete a thorough criminal background records check on all potential applicants before hire, to include consulting any child abuse registry maintained by the State of Arizona.
  7. The agency will make its best efforts to contact all prior institutional employees for information on substantiated allegations of sexual abuse of resignation during pending investigation of an allegation of sexual abuse.
  8. The agency shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with juveniles.
  9. The agency will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with juveniles.
  10. The agency shall ask all applicants and employees who may have contact with juveniles directly about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of review of current employees.
  11. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
  12. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
  13. The agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law.
  14. Refer to policy ***Hiring Qualifications for Detention Officers*** for more information.
- G. Upgrades to facilities and technologies
1. The EARJDF incorporates the use of video monitoring systems to aid in its sexual abuse prevention, detection, and response efforts.
  2. EARJDF periodically conducts an assessment outlining the feasibility of and the need for, new or additional video monitoring technology throughout the detention center and develops a plan for securing such technology when needed.

## I. Mandatory Reporting

1. Any incidents or behaviors that cause a reasonable concern of sexually aggressive behavior or demonstrates potential for sexual victimization shall be documented on an incident report form.
  - a. Immediate concerns shall be reviewed by shift supervisor/OIC for intervention.
  - b. All concerns shall be further reviewed by EARJDF Administration.
2. Any employee who is a witness to or has knowledge of any sexual activity, assault and/or rape shall report it to a supervisor or administration staff.
  - a. Any employee, contract service provider, or volunteer who knowingly fails to report sexual activity, assault and/or rape of a youth shall be subject to disciplinary actions and/or criminal prosecution.
  - b. Employees and youth are prohibited from retaliating against anyone reporting allegations of sexual activity/assault. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.

## J. Youth should voluntarily report allegations

1. Youth who feel threatened, or who are victims of sexual harassment or assault should report the incident to any trusted staff member. Youth may also submit a confidential report in writing on a Health Needs Request form. The youth should place the completed form in the locked PREA request box.
  - a. The Administrator or designee shall respond to all reports in a timely manner.

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<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>PREA Responsive Planning</b>	<b>Related PREA Standards: 115.321-115.322; 115.371</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

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

**Procedure:**

A. Evidence protocol and forensic medical exams

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

B. Referrals of allegations for investigations

1. All allegations of sexual abuse or sexual harassment will be investigated. The Administrator or designee will determine if it will be an administrative or criminal investigation.
2. If an allegation involves potentially criminal behavior, it will be immediately referred to the Graham County Sheriff's Office.

- a. Graham County Sheriff's Office shall make determination whether a forensic examination is needed in addition to a forensic interview.
  - b. All juveniles must be interviewed by a certified forensic interviewer which will be arranged through Graham County Sheriff's Office Investigators. At no time shall staff or medical personnel interview the victim or suspect concerning the allegations until forensic interviews are completed.
  - c. Efforts should be in place to preserve possible evidentiary items which may include bedding clothing etc. Preservation may also involve having victim abstain from wiping, defecating or bathing.
  - d. All evidence and related items will be turned over to and stored at the Graham County Sheriff's Office.
- C. Immediate steps shall be taken to respond to a sexual assault.
1. Any employee that is a witness to or has knowledge of any sexual activity, assault and/or rape shall take immediate steps to **stop** the activity/assault, separate the participants (aggressor/victim), and report it to a supervisor or administration staff.
  2. Any employee, contractor, or volunteer that receives a report of a sexual assault or the potential for sexual assault, whether verbally or in writing shall immediately notify the shift supervisor/OIC.
    - a. Victim shall be kept separate from the alleged aggressor. Victims of sexual assault will be treated in a sensitive and nonjudgmental manner.
    - b. The supervisor/OIC shall ensure the crime scene is secure.
  3. The supervisor/OIC or designee shall immediately notify:
    - a. On-site Correctional Health medical staff.
    - b. Graham County Sheriff's Office.
    - c. PREA Coordinator

The Administrator shall notify the Director of Juvenile Court Services, who shall, in-turn, notify the Presiding Juvenile Court Judge.

4. Appropriate emergency care shall be provided.
  - a. **Life-saving efforts always take priority over evidence collection. Detention/Medical staff shall not wait for professional emergency responders before providing CPR or attempting to staunch severe blood loss, etc.**
  - b. To avoid unnecessary destruction of vital evidence, provide life-saving emergency aid only. Staff shall direct the youth not to urinate, shower, wash, or disinfect affected areas.

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

D. Preservation of Evidence

1. Detention and/or medical staff shall advise the youth not to urinate, shower or otherwise clean themselves. If the assault was oral, youth will not be allowed to drink or brush their teeth, or otherwise take any action that could damage or destroy evidence.
2. To avoid compromising valuable evidence, Detention Officers shall secure the scene of the assault pending investigation by Graham County Sheriff's Office.
3. Law enforcement officers shall collect and assume custody of evidence specimens collected at the EARJDF.

E. This policy will be available on the Department's website at [www.graham.az.gov](http://www.graham.az.gov).

F. Criminal and administrative agency investigations

1. For criminal investigations, the Graham County Sheriff's Office will be called immediately. EARJDF will work closely and simultaneously with the Graham County Sheriff's Office.
2. For internal investigations, the Administrator at EARJDF or designee will begin the investigation and determine the need for police involvement.
3. 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.
4. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims.
5. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical DNA evidence 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.
6. The agency shall not terminate an investigation solely because the source of the allegation recants the allegation.
7. 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.
8. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No agency shall require a resident 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.

9. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
10. 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.
11. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
12. The agency shall retain all written reports referenced I paragraphs (g) and (h) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by juvenile resident and applicable law requires a shorter period of retention.
13. 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.
14. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
15. 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.

<b>EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY</b>		
<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>Training and Education</b>	<b>Related PREA Standards: 115.331-115.335</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

**Policy:** It is the policy of the department to ensure that all employees, volunteers, and contractors receive PREA training and education.

**Procedure:** Employee training:

6. EARJDF trains applicable employees to be able to fulfill their responsibilities under EARJDF's sexual abuse policies and procedures; the PREA standards; and under relevant Federal, State, and local law.
7. EARJDF maintains certified PREA instructors, per the direction of the Arizona Office of the Courts (AOC), and sends staff to recertification training as required. These instructors provide the AOC's approved PREA training.
8. The AOC's approved PREA training provides employees with the knowledge and skills needed to:
  - a. Understand zero tolerance for sexual abuse and sexual harassment;
  - b. Prevent sexual abuse from occurring;
  - c. Identify signs that sexual abuse may be occurring;
  - d. Take the appropriate actions when they learn of recent or historical incidents of sexual abuse;
  - e. Communicate effectively and professionally with all juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
  - f. Understand a juvenile's right to be free from sexual abuse;
  - g. Understand the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
  - h. Understand the dynamics of sexual abuse in confinement;
  - i. Detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
  - j. Avoid inappropriate relationships with juveniles;
  - k. Comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

- I. Relevant laws regarding the applicable age of consent.
  9. Training will be tailored to the unique needs and attributes of juveniles in the facility and to the gender of the juveniles within the facility.
  10. New employees will be provided this training at time of orientation.
  11. Current employees will receive a minimum of two hours of PREA training annually.
  12. Training will be documented, through employee signature, that the employees understand the training they have received. Such documentation shall be filed in the training records.
- A. Volunteer and Contractor training:
1. EARJDF ensures that all volunteers and contractors who have contact with juveniles have been trained on their responsibilities under the EARJDF's sexual abuse policies and procedures; the PREA standards; and relevant Federal, State, and local law.
  2. All volunteers and contractors who have contact with juveniles must be notified of EARJDF's zero-tolerance policy regarding sexual abuse, and will be provided the PREA Volunteer Handbook.
    - a. Documentation will be maintained by the Training Coordinator.
  3. PREA zero-tolerance pamphlets will be available in the main lobby of the facility.
  4. All visitors, volunteers, and contractors will sign in on the log acknowledging their understanding of the agencies zero-tolerance policy. This signature sheet will be maintained in the reception's log book.
  5. Juvenile Court Employees, Detention staff, contract personnel and volunteers are required to:
    - a. Immediately inform detention management should you have any reasonable suspicion a juvenile is or has been a victim of abuse, sexual misconduct, or any violation of PREA.
    - b. Report or cause reports to be filed with law enforcement or Child Protective Services pursuant to A.R.S. § 13-3620.
  6. A failure of a Juvenile Court Employee, Detention staff, contract personnel and volunteers to report incidents of suspected abuse considered a violation of the Juvenile Court's obligation and duty in the care of juveniles may be considered a violation of PREA and/or criminal or civil law.
  7. Any person who is a Juvenile Court Employee, Detention staff, contract personnel or volunteer who violates this policy or fails to report a suspected violation of PREA may be subjected to administrative action, up to and including termination of employment, civil damages and prosecution for a violation of Arizona Revised Statutes.

B. Juvenile Education:

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

C. For language translation services, American Sign Language interpreter services, or for services for the blind, staff will utilize the Graham County Superior Court's Interpreter's Office contractual services. Information on services is maintained in the Intake Unit.

D. Specialized training: Investigations

1. The Graham County Sheriff's Department must receive training in conducting such investigations in confinement settings.
2. Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a cause for administrative action or prosecution referral.
3. Documentation of such training shall be maintained in the employee training file and/or available upon request through the Graham County Sheriff's Department .

E. Specialized training: Medical and Mental Health Care

1. All Medical and Mental Health staff assigned to the PCYJC will receive training in:
  - a. How to detect and assess signs of sexual abuse and sexual harassment;
  - b. How to preserve physical evidence of sexual abuse and sexual harassment,
  - c. How to respond effectively and professionally to young victims of sexual abuse and sexual harassment;

- d. How and to whom to report allegations of sexual abuse and sexual harassment;
  - e. Zero tolerance for sexual abuse and sexual harassment;
  - f. Prevent sexual abuse from occurring;
  - g. Identify signs that sexual abuse may be occurring;
  - h. Take the appropriate actions when they learn of recent or historical incidents of sexual abuse;
  - i. Communicate effectively and professional with all juveniles, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
  - j. Understand the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
  - k. Understand the rights of juveniles and employees to be free from retaliation for reporting sexual abuse;
  - l. Understand the dynamics of sexual abuse in confinement;
  - m. Understand the common reactions of sexual abuse and sexual harassment victims;
  - n. Detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles;
  - o. Avoid inappropriate relationships with juveniles;
  - p. Comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
  - q. Relevant laws regarding the applicable age of consent.
2. Training will be documented, through employee signature, that the employees understand the training they have received. Such documentation shall be filed in the training records.

**Definitions:**

**Graphic Novels:** Books made up of comics content pertaining to sexual abuse and sexual harassment.

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

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

**Zero-tolerance:** The policy or practice of not tolerating undesirable behavior, such as sexual abuse and sexual harassment.

EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY		
PREA	Policy #	Effective Date: 7/15/16
PREA Screening for Risk of Sexual Victimization and Abusiveness	Related PREA Standards: 115.341; 115.342; 115.343	
Approved By: PREA Coordinator and Administrator		

**Policy:** It is the policy of the department to implement a screening assessment at time of intake to make informed decisions as to the determination of assignments and placements of all detained youth.

**Procedures:**

- A. During intake, detention staff will conduct a classification assessment of each juvenile being booked, utilizing the approved classification questionnaire. The following information will be obtained by interviewing the juvenile, and by reviewing JOLTS data, detention behavioral records, and other relevant documentation from the juvenile's files:
  1. The juvenile's age.
  2. The juvenile's physical size and stature,
  3. Current charges and offense history,
  4. Any physical disabilities the juvenile reports having,
  5. If the juvenile reports that there is anything regarding their own sexual orientation or gender identity that may pose a threat to their own personal safety and welfare,
  6. Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
  
- A. Screening, identification, monitoring and counseling of youth with history of sexual victimization or sexually aggressive behavior.
  1. Upon arrival, youth shall be screened for risk factors that include reports of prior victimization, sexually predatory behavior, current/past violent criminal charges, or current/past sexualized behavior.
  2. Youth identified as at-risk for either predatory behavior or victimization will be assigned to a cell with single occupancy as indicated below.
    - a. A sexual victimization predictor scale score of 9 or higher.
    - b. A sexual aggressor predictor scale score of 9 or higher.
    - c. Information gathered and any decisions made regarding housing shall be placed in the youth's file for reference in future assignments.
  3. The daily behavior of all youth shall be monitored and evaluated as part of an on-going identification of risk.

- B. Detainees 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 detainees 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. Residents shall also have access to other programs and work opportunities to the extent possible.
- C. If the screening indicates that a youth has experienced prior sexual victimization, regardless of where it occurred, staff shall refer the youth to the detention Counselor and Correctional Health.
  - 1. The Sergeant or OIC and medical staff shall have a follow-up meeting with the youth within 14 days of intake.
- D. If the screening indicates that a youth has previously perpetrated sexual abuse, regardless of where it occurred, staff shall refer the youth to the detention Counselor.
  - 1. The Sergeant or OIC shall have a follow-up meeting with the youth within 14 days of intake.
- E. Medical and/or mental health staff shall report prior sexual victimization to Child Protective Services (CPS) immediately.
- F. All information received related to sexual victimization or abuse that occurred in a setting outside of detention, shall be strictly limited to medical and mental health staff and other staff as deemed necessary in order to make informed decisions regarding housing, program assignments, etc.
- G. Detention staff will use the information obtained during the intake process to classify all juveniles, and place them into an appropriate housing units and cells, with the goal of keeping all residents safe and from sexual abuse.
- H. Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in a particular room or unit, solely on the basis of such identification or status, nor shall detention officers consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
  - 1. When determining assignments for a transgender or intersex youth, the determining factor to be considered is whether a placement would ensure the youth's health and safety, and if this would present management or security problems.
  - 2. A great deal of consideration in determination of where to place the resident should be vested in where the resident would feel the safest. Intake staff shall consult the Detention Operations Coordinator for clarification, if needed.
- I. Pinaleno School will request educational records from each juvenile's school of record, including any psycho-educational evaluations done on the child.
  - 1. The following information, once obtained, will be passed to detention management for the purpose of making any accommodations necessary to ensure the safety of the child:
    - a. The juvenile's level of emotional and cognitive development.
    - b. Any mental illness or mental disabilities the juvenile may have.
    - c. Any intellectual/developmental disabilities the juvenile may have

2. Once a juveniles is assigned to a housing unit, if new information is received from medical, Pinaleno School, Juvenile Probation, the juvenile's family, counselors, or any other source, that suggests the juvenile's classification needs to be changed; then, a Sergeant or OIC will review this new information and reclassify the juveniles as appropriate.
- a. It is important that the information in the screening instrument, and the information received during the screening, be used for its designated purpose, and that appropriate confidentiality of the information is observed.
  - B. Informed consent from the youth is not required as long as the youth is under the age of 18.
  - C. Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.
  - D. Transgender and intersex residents shall be given the opportunity to shower separately from other residents.
  - E. If a resident is isolated, the facility shall clearly document:
    1. The basis for the facility's concern for the resident's safety; and
    2. (2) The reason why no alternative means of separation can be arranged.
  - F. Every 30 days, the facility shall afford each resident described in paragraph (E) of this section a review to determine whether there is a continuing need for separation from the general population.

EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY		
PREA	Policy #	Effective Date: 7/15/16
PREA Reporting, Responding, and Data Collection	Related PREA Standards: 115.351; 115.352; 115.361; 115.364; 115.365; 115.367; 115.386	
Approved By: PREA Coordinator and Administrator		

**POLICY:** It is the policy of the EARJDF to establish mechanisms for youth and staff to report sexual abuse and sexual harassment allegations in safe and efficient manner.

**PROCEDURES:**

A. Youth Reporting.

1. EARJDF shall provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. EARJDF shall also provide at least one way for youth to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to agency officials, allowing the youth to remain anonymous upon request. Youth detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
  - a. Information will be available in each housing unit and intake displayed on posters with the number to the CPS Hotline and probation.
  - b. Information can also be found in the youth PREA handbook.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
  - a. Staff shall document on an Incident Report. **(All incident reports are to be kept confidential)**
4. The facility shall provide youth with access to tools necessary to make a written report.
5. The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of youth.
  - a. Staff can arrange a private meeting with the Administrator or Assistant Administrator/ PREA Coordinator
6. This information will be reviewed with youth at time of intake.

B. Exhaustion of administrative remedies.

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

C. Staff Reporting.

1. EARJDF shall require all staff to report immediately and according to this policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against youth or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

2. EARJDF shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
3. Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions. Staff shall keep confidential any information related to the sexual abuse incident.
4. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials as well as to the designated State or local services agency where required by mandatory reporting laws.
  - a. Such practitioners shall be required to inform youth at the initiation of services of their duty to report and the limitations of confidentiality.
5. Upon receiving any allegation of sexual abuse, the Administrator at the facility or designee shall promptly report the allegation to the Graham County Sheriff's Office and to the alleged victim/s parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified. Parents should be notified within 24 hours.
6. If the alleged victim is under the guardianship of Child Protective Services, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
7. If a juvenile court retains jurisdiction over the alleged victim, the Administrator at the facility or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within three days of receiving the allegation.
8. The Administrator at the facility or designee shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the Graham County Sheriff's Office designated investigators.

D. Staff first responder duties.

1. Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report shall be required to:
  - a. Separate the alleged victim and abuser;
  - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Do not clean up the scene or the victim until directed by the local law enforcement agency or the Administrator.
  - c. Notify the Administrator or designee immediately;
  - d. If the abuse occurred within a time period that still allows for the collection of physical evidence (normally 72 hours or as determined by the local law enforcement agency), request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

- e. If the abuse occurred within a time period that still allows for the collection of physical evidence (within 72 hours), ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriated, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
  - f. Youth who are alleged victims of sexual abuse will be treated in a sensitive and nonjudgmental manner;
2. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff immediately.

#### E. Coordinated Response Plan

1. All reports shall be thoroughly investigated by the Administrator or designee.
2. When the alleged predator is an employee, care shall be taken to remove the employee from supervision of all youth pending the outcome of the investigation.
  - a. The Director of Juvenile Court Services and the Presiding Juvenile Court Judge shall be advised of the allegations, the pending investigation and the projected time-line for resolution.
  - b. Re-assignment of duties and/or assignment to administrative leave shall be at the discretion of the Administrator or designee.
  - c. The employee shall be notified of the investigation.
  - d. A thorough investigation shall be completed in a timely manner.
  - e. The employee shall be notified of the outcome of the investigation.
  - f. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Administrator shall report the discovery to the Graham County Sheriff's Office for investigation.
3. When the alleged predator and the victim are both youth, care shall be taken to keep them separate, pending the outcome of the investigation.
  - a. The, Administrator or designee, may coordinate the location of one and/or both of the participants if it is determined that such action would improve the safety of the youth or the integrity of the pending investigation.
  - b. A thorough investigation shall be completed in a timely manner.
  - c. All internal investigation activity shall immediately cease upon the discovery of criminal activity or suspected criminal activity. The Administrator shall report the discovery to the Graham County Sheriff's Office for investigation.

4. Administration and staff shall cooperate with local law enforcement in all formal inquiries and investigations.
  - a. Detention staff shall not release documentation without explicit authorization by the Administrator or Assistant Administrator. All requests for copies of departmental documentation or reports must be submitted to the Chief of Probation, CCM, or Marshals Office.
    1. Discipline and/or additional criminal charges for the alleged aggressor may occur pending the results of the internal and external investigations.
    2. Employees and youth are prohibited from retaliating against, intimidating or otherwise interfering with anyone involved in the investigation. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.
5. The Administrator and/or official investigators shall ensure all sexual abuse allegations are reported to Child Protective Services (CPS) 1-888-767-2445.
6. The Chief of Probation, CCM, or Marshals Office and/or official investigators shall ensure all PREA allegations are reported to the parent(s)/guardian(s) of all youth involved in the incident. Parent(s)/Guardian(s) do not require notification if parental rights have been terminated or the youth is a ward of CPS.
7. Immediate steps shall be taken to respond to a sexual assault.
8. Any employee that is a witness to or has knowledge of any sexual activity, assault and/or rape shall take immediate steps to **stop** the activity/assault, separate the participants (aggressor/victim), and report it to a supervisor or administration staff.
9. Any employee, contractor, or volunteer that receives a report of a sexual assault or the potential for sexual assault, whether verbally or in writing shall immediately notify the shift supervisor/OIC.
  - c. Victim shall be kept separate from the alleged aggressor. Victims of sexual assault will be treated in a sensitive and nonjudgmental manner.
  - d. The supervisor/OIC shall ensure the crime scene is secure.
10. The supervisor/OIC or designee shall notify:
  - d. Medical staff.
  - e. Graham County Sheriff's Office.
  - f. Chief of Probation, CCM, or Marshals Office.
  - g. Administrator
  - h. PREA Coordinator/ Manager

11. Appropriate emergency care shall be provided.
  - d. **Life-saving efforts always takes priority over evidence collection. Detention/Medical staff shall not wait for professional emergency responders before providing CPR or attempting to staunch severe blood loss, etc.**
  - e. To avoid unnecessary destruction of vital evidence, provide life-saving emergency aid only. Staff shall direct the youth not to urinate, shower, wash, or disinfect affected areas.
  - f. Staff shall take care to collect, document and preserve items used during emergency aid that may also contain biological evidence (bodily fluids, hair, etc.).
12. Detention and/or medical staff shall advise the youth not to urinate, shower or otherwise clean themselves. If the assault was oral, youth will not be allowed to drink or brush their teeth, or otherwise take any action that could damage or destroy evidence.
13. To avoid compromising valuable evidence, Detention Officers shall secure the scene of the assault pending investigation by the Graham County Sheriff's Department.
14. Law enforcement officers shall collect and assume custody of evidence specimens collected at the facility.
15. Youth shall be transported to the medical facility certified in the treatment of rape victims and the collection of evidence requested by the investigating law enforcement agency.
16. Law enforcement officers shall assume custody of evidence specimens collected at the emergency room.

F. EARJDF protection against retaliation.

1. EARJDF shall establish a policy to protect all youth and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other youth or staff and the Administrator or designee is charged with monitoring retaliation.
2. EARJDF shall employ multiple protection measures, such as housing changes or transfers from youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, EARJDF shall monitor the conduct or treatment of youth or staff who reported the sexual abuse and of youth who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation.

- a. Items EARJDF should monitor include any youth disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
  - b. EARJDF shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
4. In the case of youth, such monitoring shall also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
6. An EARJDF's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

#### G. Data Collection and Review

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

7. All case records associated with claims of sexual abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with the state record retention schedule.

**Definitions:**

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

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

**Sexual Assault Response Team (SART):** A multidisciplinary interagency team of individuals working collaboratively to provide services for the community by offering specialized sexual assault intervention services.

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

**Staff First Responders:** The first staff member to respond to the report of allegations made of sexual abuse or sexual harassment.

<b>EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY</b>		
<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>PREA Discipline</b>	<b>Related PREA Standards: 115.376-378</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

**Disciplinary**

**1. Staff Disciplinary Sanctions**

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who have been substantiated for sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies.

**2. Corrective action for contractors and volunteers**

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures and shall prohibit further contact with residents.

**3. Interventions and disciplinary sanctions for residents**

- A. A youth may be subject to disciplinary sanctions pursuant to the agency's formal disciplinary procedures or following a criminal finding.
- B. Disciplinary sanctions imposed by the facility shall be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
- C. The disciplinary process shall consider whether a youth's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- D. Facilities with sex offender units offering therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, shall consider whether to offer the offending youth participation in such interventions.
- E. The facility may not require participation in such interventions as a condition of access to general programming or education

- F. The facility may only discipline a youth for sexual contact with staff upon a finding that the staff member did not consent to such contact.
- G. 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.
- H. Sexual activity between residents is prohibited, however for such activity to constitute sexual abuse it must be coerced.

#### **I. Notifications to Youth**

**1. Following an investigation into a youth's allegation of sexual abuse suffered in an agency facility, the agency shall inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.**

**2. Following a youth's allegation that a staff member has committed sexual abuse against the youth, the agency shall subsequently inform the youth (unless the agency has determined that the allegation is unfounded) whenever:**

- a. The staff member is no longer posted within the youth's unit;
- b. The staff member is no longer employed at the facility;
- c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and/or
- d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

**3. Following a youth's allegation that he or she has been sexually abused by another youth, the agency shall subsequently inform the alleged victim whenever:**

- a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

**4. All such notifications or attempted notifications shall be documented. DJJOY's obligation to report under this standard shall terminate if the resident is released from the agency's custody.**

<b>EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY</b>		
<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>PREA Data Collection for Corrective Action</b>	<b>Related PREA Standards: 115.388 and 115.389</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

**POLICY:** In compliance with PREA, the DOJ reviews data collected on sexual abuse allegations to assess and improve the effectiveness of EARJDF's sexual abuse prevention, detection, and response policies, procedures and training. This review must result in the creation of an annual report detailing the agency's findings and corrective actions for each facility.

**PROCEDURES:**

**A. Data collection**

1. The EARJDF collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument. The data is collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
2. EARJDF aggregates the incident-based sexual abuse data annually. The incident-based data collected includes the data necessary to answer all of the questions from the Department of Justice - Survey of Sexual Violence.

**B. Data review**

1. The sexual abuse response team at the facility review data and aggregate it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response in policies, practices, and training throughout the department. Areas reviewed include such examples as:
  - a) Identifying problem areas;
  - b) Detailing corrective action on an ongoing basis; and
  - c) Preparing an annual report of findings and corrective actions for each facility, as well as the agency as a whole.
2. The annual report includes a comparison of the current year's data and corrective actions that were reported by the SART with those from prior years and provides an assessment of EARJDF progress in addressing sexual abuse.

**C. Data distribution**

1. Report drafting
  - a) The draft report must be submitted to the Administrator's office in printed and electronic formats for initial review 90 days prior to June 30. The draft report must indicate approval by the Administrator upon submission to the County for the website.
  - b) The draft report must be submitted and include all mandated information.
2. Once approved by the Administrator, the annual report is electronically is also made available to the public through the EARJDF's public website. EARJDF may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.
3. All aggregated sexual abuse data is made available to the public annually through the EARJDF's public website. EARJDF must redact specific material from the report with personal identifiers.
4. EARJDF maintains sexual abuse data as established in the PREA Annual Report.
5. Upon request, the EARJDF provides data from the previous calendar year to the Department of Justice (no later than June 30).

**REVIEW:** Annually

<b>EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY</b>		
<b>PREA</b>	<b>Policy #</b>	<b>Effective Date: 7/15/16</b>
<b>PREA Auditing and Corrective Action</b>	<b>Related PREA Standards: 115.393 and 115.401-405 and 501</b>	
<b>Approved By: PREA Coordinator and Administrator</b>		

**Audits**

1. The Department PREA Coordinator will ensure that facilities, including contracted facilities, are audited in compliance with PREA standards.
  
2. Each year of a three-year period, the facility will be audited by an independent organization that falls into one of the three following categories:
  - a. A juvenile detention monitoring body that is not part of the Department but that is qualified to conduct PREA Audits.
  - b. Other outside individuals with relevant experience.
  
3. No audit may be conducted by an auditor who has received financial compensation from the agency within the three years prior to the Department's retention of the auditor, and the Department shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the Department' retention of the auditor, with the exception of contracting for subsequent audits.
  
4. Auditors must be certified by the Department of Justice (DOJ) to conduct such audits, and ensure that the auditor, if retained again, has been re-certified every three years.
  
5. Auditors shall have access to enter and tour all facilities, including those contracted, to review documents, and interview staff and youth to conduct a comprehensive audit.
  
6. All facility reports shall be published on the Department's Web site and be readily available to the public.

EASTERN ARIZONA REGIONAL JUVENILE DETENTION FACILITY		
PREA	Policy #	Effective Date: 7/15/16
Ongoing Medical and Mental Health care for sexual abuse Victims and Abusers	Related PREA Standards: 115.383	
Approved By: PREA Coordinator and Administrator		

**Policy:** It is the policy of Eastern Arizona Regional Juvenile Detention Facility to provide a safe, humane and secure environment for all residents. Eastern Arizona Regional Juvenile Detention Facility mandates zero tolerance towards all forms of sexual abuse and sexual harassment. In accordance with PREA standards, Eastern Arizona Regional Juvenile Detention Facility shall provide appropriate medical and mental health care services to residents who have experienced prior sexual victimization or who are alleged victims or abusers of sexual abuse while in the custody at Eastern Arizona Regional Juvenile Detention Facility.

**Procedures:** Resident 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.

In the event of a sexual assault, the Administrator or designee will make immediate arrangements for transportation to the Southern Arizona Children's Advocacy Center. It is essential that the Southern Arizona Children's Advocacy Center is contacted prior to departure, for instruction. Any alleged victim will be transported to the Southern Arizona Children's Advocacy Center or emergency department, with or without their consent. Proper documentation can take place at the hospital/resource center if the alleged victim still refuses treatment after talking to the proper medical authorities. Examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An off-site qualified medical practitioner may perform the examination if a SAFE or SANE is not available.

Southern Arizona Children's Advocacy Center will provide a Case Coordinator for the exam. A Rape Advocate can be obtained through the Center for Prevention of Abuse. The Rape Advocate should be made accessible to the resident at any time. Upon return to the facility, follow up actions to safeguard the alleged victim will be implemented. Actions include at a minimum: medical and mental health referrals, appropriate housing determination. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to Standard and shall immediately notify the appropriate medical and mental health practitioners.

Resident victims of sexual abuse while incarcerated shall be offered timely information and timely access to emergency contraception and sexually transmitted infections, in accordance with professionally accepted standards of care, where medically appropriate. All medical and mental health services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from incident.

**Ongoing medical and mental health care for sexual abuse victims and abusers**

EARJDF offers medical and mental health evaluations and appropriate treatment to all residents who have been victimized by sexual abuse in any prison, jail, lock-up or juvenile facility. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.

Resident victims or sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

If pregnancy results from incident, such victims shall receive timely and comprehensive information and access to all lawful pregnancy-related medical services.

Resident 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 costs and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.

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