

BUREAU OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURE

Title: Zero Tolerance of Sexual Abuse and/or Sexual Harassment

Manual Section: Program Management

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Approved by:



Supersedes Policy Number: New

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Attachments: Appendix A: Facility Operations Vulnerability Assessment
Appendix B: Unannounced Rounds Tracking Form
Appendix C: Zero Tolerance of Sexual Abuse and/or Sexual Harassment for Contracted Employees and Volunteers
Appendix D: Contractor Sign-Off
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Appendix F: Alleged Abuse Sexual Assault Checklist
Appendix G: Sexual Abuse Incident Review (SAIR)
Appendix H: Survey of Sexual Violence Summary
Appendix I: Resource Guide

Authority:

The authority of the Bureau of Juvenile Justice Services (BJJS) to issue this policy and procedure is given by Article VII of the Public Welfare Code, Act of 1967, P.L. 31, No. 21, the Juvenile Act, 42 Pa.C.S. Sections 6301 et seq, and the Prison Rape Elimination Act of 2003 (PREA) Juvenile Facility Standards.

Applicability:

The Youth Development Center/Youth Forestry Camp (YDC/YFC) system and contracted programs under the jurisdiction of the BJJS.

Rationale:

To ensure compliance with the Federal Prison Rape Elimination Act (PREA) and its juvenile standards promulgated on May 17, 2012.

Policy:

The BJJS has zero tolerance for sexual abuse and/or sexual harassment against any resident in BJJS custody by another resident; its staff; or staff of contracted residential programs, contractors, or volunteers. All allegations of sexual abuse and/or sexual harassment will be investigated. All such incidents shall be reported to law enforcement and the Office of Children, Youth & Families in accordance with applicable law, regulations, and this policy.

The purpose of the policy is twofold:

- to communicate and direct employees to the appropriate policy reference(s)
- to provide essential information on procedures not included in other BJJS policies

Approach:

- All staff shall be proactive in the prevention of sexual abuse and/or sexual harassment.
- The BJJS shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee the BJJS's efforts to comply with the PREA standards in all of its facilities.
- For each facility, the BJJS shall designate a facility PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.
- All staff shall receive initial PREA training, and refresher training every two years. Additionally, staff shall receive PREA information in years they do not receive refresher training.

Definitions:

Direct Supervision Employee – A person employed or contracted by Commonwealth of Pennsylvania and assigned to a facility under the jurisdiction of BJJIS, with a primary responsibility for providing direct care services or supervision to residents.

Employee – A person employed by the Commonwealth of Pennsylvania, who is assigned to a YDC/YFC facility, BJJIS or an education provider.

Facility – A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) operated by the BJJIS or contracted entity.

Facility Prison Rape Elimination Act (PREA) Compliance Manager – An identified management employee within a BJJIS facility whose responsibility is to coordinate and manage the facility's efforts to comply with the mandated PREA standards.

Facility Program Director – An employee who has oversight responsibility of a youth forestry camp, one or more areas of a secure treatment facility, or one or more areas of a youth development center.

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.

Limited English Proficiency (LEP) – Limited ability speaking, reading, writing, or understanding English, such that it would deny or limit their meaningful access to treatment programs and services if language assistance was not provided.

PREA Coordinator – An identified management employee within BJJIS headquarters office whose responsibility is to develop, implement, and oversee the BJJIS's efforts to comply with the mandated PREA standards.

Rape Crisis Center – An entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages.

Sexual Abuse –

A. Sexual abuse of a resident by another resident

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

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

B. Sexual abuse of a resident by a staff member, contractor, or volunteer.

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

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

- (9) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment –

- A. Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, physical conduct, gestures, actions of a derogatory/offensive sexual nature or creating an intimidating, hostile or offensive environment, by one person directed toward another.
- B. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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.

Procedure:

A. Prevention Planning

- 1. Zero Tolerance of Sexual Abuse and/or Sexual Harassment; PREA Coordinator
 - a. The BJJS shall incorporate the United States, Department of Justice (DOJ), PREA Juvenile Facility Standards into policies and procedures.
 - b. The BJJS shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee the BJJS's efforts to comply with the PREA Juvenile Facility Standards in all of its facilities.
 - c. Each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA Juvenile Facility Standards.

2. Contracting With Other Entities for the Confinement of Residents

- a. The BJJS shall include in any new contract or contract renewal for the confinement of residents, the entity's obligation to adopt and comply with the PREA Juvenile Facility Standards.
- b. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA Juvenile Facility Standards.

3. Supervision and Monitoring

- a. Each facility within the BJJS shall develop, implement, and document a plan for staffing to ensure compliance with the PREA Standard 115.313 to provide for mandated levels of staffing. In calculating the above staffing compliance levels and determining the need for video monitoring, each facility within the BJJS shall take into consideration:
 - 1.) generally accepted national standards for juveniles in residential facilities
 - 2.) any judicial findings of inadequacy
 - 3.) any findings of inadequacy from Federal investigative agencies
 - 4.) any findings of inadequacy from internal or external oversight bodies
 - 5.) all components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated)
 - 6.) the composition of the resident population
 - 7.) the number and placement of supervisory staff
 - 8.) programming occurring on a particular shift
 - 9.) any applicable Commonwealth or local laws, regulations, or standards
 - 10.) the prevalence of substantiated and unsubstantiated incidents of sexual abuse
 - 11.) any other relevant factors
- b. Facilities within the BJJS shall comply with the plan for staffing (the only exception being, during limited and discrete exigent circumstances). Each facility within the BJJS shall maintain a local policy outlining how it will document any deviations from the plan for staffing. This documentation shall be maintained by the Facility Compliance Manager and retained in the BJJS PREA Audit shared folder.

- c. PREA Juvenile Facility Standards require that each facility within the BJJS shall maintain staff to resident ratios of no less than 1:8 during resident waking hours and no less than 1:16 during resident sleeping hours. Facilities within the BJJS shall continue to maintain established staff to resident ratios (the only exception being, during limited and discrete exigent circumstances). All justifications for deviations shall be documented as per each facility's local policy and retained in the BJJS PREA Audit Shared folder.

All deviations shall also be communicated to the Facility Compliance Manager and Facility Program Director.

- d. Each facility's PREA Compliance Manager will schedule and conduct an annual (or more frequently, as necessary) facility review using the Facility Operations Vulnerability Assessment (Appendix A), for their respective facility, with, at a minimum, the PREA Coordinator, the Facility Program Director and the Maintenance Manager 3 or designee.
 - e. A management level employee shall conduct and document unannounced rounds, at a minimum of twice each month, (one during a waking shift and one during a sleeping shift) at each facility, to identify and deter staff sexual abuse and/or sexual harassment. All rounds shall be documented using the Unannounced Rounds Tracking Form (Appendix B). Documentation shall be maintained in the PREA shared folder.
 - f. Staff are prohibited from alerting other staff members or residents that the rounds are, or will be, occurring.
4. Limits to Cross-Gender Viewing and Searches
- a. Staff shall conduct all searches in accordance with BJJS policy 7.10A Resident Searches.
 - b. Staff shall enable residents to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine checks.
 - c. Staff of the opposite gender of the residents shall announce their presence when entering a resident housing unit or any areas where residents are likely to be showering, performing bodily functions, or changing clothing.

- d. Staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
 - e. All direct supervision staff shall be trained to conduct resident searches.
5. Residents with Disabilities and Residents Who Are Limited English Proficient
- a. Residents with disabilities shall have equal opportunity to all aspects of the BJJS's efforts, to prevent, detect, and respond to sexual abuse and sexual harassment.
 - b. Residents with disabilities shall be provided accommodations in accordance with the Americans with Disabilities Act, 28 CFR 35.164.
 - c. Residents, who are limited in English proficiency, shall have equal opportunity to all aspects of the BJJS's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, in accordance with BJJS Policy 1.12 Services for Individuals with Limited English Proficiency.
6. Hiring and Promotion Decisions
- a. BJJS shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who:
 - 1.) has engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
 - 2.) has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force; overt or implied threats of force, or coercion; or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above
 - b. BJJS shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of a contractor, that may have contact with residents.

- c. Before hiring new employees who may have contact with residents, the BJJS shall:
 - 1.) perform a criminal background check
 - 2.) consult with any child abuse registry maintained by the State or locality in which the employee would work (Childline)
 - 3.) make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, consistent with Federal, State and local laws
- d. BJJS shall ask directly, in written applications and/or interviews for hiring or promotion and in any interviews or written self-evaluations conducted as part of reviews of current employees, all applicants and employees who may have contact with residents, if they:
 - 1.) have engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
 - 2.) have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force; overt or implied threats of force, or coercion; or if the victim did not consent or was unable to consent or refuse; or have been civilly or administratively adjudicated to have engaged in the activity described above
 - 3.) The BJJS shall impose upon employees a continuing affirmative duty to disclose any such misconduct.
- e. The BJJS shall conduct all criminal background checks no less than every five years for current employees and may have in place a system for otherwise capturing such information for current employees.
- f. Material omission regarding such misconduct or the provision of materially false information shall be grounds for termination.
- g. The BJJS 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.

- h. The Pennsylvania Department of Education shall ensure all criminal background checks are conducted and documented prior to service, for educational staff assigned to a YDC/YFC facility. Additionally, background checks will be completed no less than every five years. Proof of criminal background checks shall be provided to the BJJS.
- i. Contractor agencies shall ensure all criminal background checks are conducted and documented prior to service for employees who may have contact with residents. Additionally, background checks will be completed no less than every five years. Proof of criminal background checks shall be provided to the BJJS.

7. Upgrades to Facilities and Technologies

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

B. Responsive Planning

1. Evidence Protocol and Forensic Medical Examiners

- a. To the extent the BJJS is responsible for investigating allegations of sexual abuse; it shall follow the BJJS Policies 1.06A Reporting and Investigating Alleged Child/Resident Abuse, 1.09B Management of Investigations, and 4.05 Responding to Reports of Sexual Abuse and Sexual Harassment.
- b. As requested by the victim, the victim advocate, qualified facility staff member, or qualified community-based organization staff member 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.

2. Policies to Ensure Referrals of Allegations for Investigations

- a. The BJJS shall ensure that administrative, child abuse, and/or criminal investigations are completed for all allegations of sexual abuse and sexual harassment in accordance with BJJS Policies: 1.06 Reporting and Investigation of Alleged Child/Resident Abuse, 1.09B Management of Investigations, and 1.17 Responding to Reports of Sexual Abuse and Sexual Harassment.

C. Training and Education

1. Employee Training

- a. The BJJS shall train all employees who may have contact with residents on:
 - The Zero Tolerance for Sexual Abuse and/or Sexual Harassment policy
 - How to fulfill their responsibilities under the BJJS's sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures
 - Residents' right to be free from sexual abuse and sexual harassment
 - The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
 - The dynamics of sexual abuse and sexual harassment in juvenile facilities and specific gender related issues
 - The common reactions of juvenile victims of sexual abuse and sexual harassment
 - How to detect and respond to signs of threatened and actual sexual abuse
 - How to avoid inappropriate relationships with residents
 - How to communicate effectively and professionally with all residents, to include lesbian, gay, bi-sexual, transgender, intersex, or gender nonconforming residents
 - How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

- b. All current employees shall receive initial training no later than August 20, 2013. All new employees shall receive initial training as part of the Juvenile Justice Academy (JJA) as described in the Policy and Staff Development, Annual Plan and Report (PSDAPR). Upon completion of initial training, employees shall receive biennial refresher training as described in the PSDAPR. In years in which an employee does not receive refresher training, the BJJS shall provide refresher information related to current sexual abuse and sexual harassment.
- c. The BJJS shall document, as described in the PSDAPR, through employee signature or electronic verification, that employees understand the training they have received.

2. Volunteer and Contractor Training

- a. The BJJS shall ensure that all volunteers have been trained on their responsibilities with respect to the prevention, detection and response to sexual abuse and/or sexual harassment. The Zero Tolerance for Sexual Abuse and/or Sexual Harassment for Contracted Employees and Volunteers (Appendix C) pamphlet shall be provided and sign-off completed in accordance with BJJS Policy 1.13 Volunteer Services.
- b. The BJJS shall ensure that all contracting entities have received and understand their responsibility with respect to prevention, detection and response to sexual abuse and/or sexual harassment. The Zero Tolerance for Sexual Abuse and/or Sexual Harassment for Contracted Employees and Volunteers pamphlet shall be provided by the Contract Monitor or designee. The PREA Contractor Sign-Off (Appendix D) shall be completed; documentation shall be maintained by Financial Services, in collaboration with the PREA Coordinator.
- c. Volunteers and contractors, not trained as direct supervision staff, shall not be counted in staff ratios or be alone with residents.

3. Resident Education

- a. During the intake process, residents shall receive PREA related information in accordance with BJJS Policy 1.26 Transitional Services.
- b. Current residents shall receive information described in section (a) no later than August 20, 2013.
- c. In addition to providing such education, the BJJS shall ensure that key information is continuously and readily available to residents through posters, resident handbooks, or other formats.

- d. The facilities shall maintain documentation of resident participation in educational sessions in the resident's file.

4. Specialized Training: Investigations

- a. All BJJS employees assigned to investigate sexual abuse and/or sexual harassment allegations shall be trained in conducting administrative sexual abuse investigations to include, but not limited to:

- techniques for interviewing juvenile sexual abuse victims
- sexual abuse evidence preservation
- criteria and evidence necessary to substantiate a case for administrative action

and in accordance with BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment and 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment.

- b. The BJJS Policy and Staff Development Unit shall maintain information received, documenting that agency investigators have completed the required training.

5. Specialized Training: Medical and Mental Health

- a. All full time and part time medical and mental health practitioners who work within BJJS facilities shall be trained, in no less than:

- How to detect and assess signs of sexual abuse and sexual harassment
- How to preserve physical evidence of sexual abuse
- How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment

- b. The BJJS Health Services shall maintain documentation that all contracted medical and mental health practitioners who conduct forensic examinations of residents have been appropriately trained to conduct such examinations.

D. Screening For Risk of Sexual Victimization and Abusiveness

1. Obtaining Information from Residents
 - a. Within 72 hours of intake, and periodically throughout a resident's confinement, the Vulnerability Assessment Instrument: Risk of Victimization and/or Sexually Aggressive Behavior (Appendix E) shall be administered to obtain information about each resident's personal history and behavior to reduce the risk of sexual abuse by or to a resident.
 - b. Information shall also be obtained through conversations with the resident, by reviewing court records, resident files, psychological assessments and other relevant documentation.
 - c. The BJJS shall follow appropriate procedures and controls on the dissemination of sensitive information to ensure that information is protected.
2. Placement of Residents in Housing, Bed, Program, Education, and Work Assignments
 - a. The BJJS will use information obtained from the Placement Matrix and the Vulnerability Assessment Instrument: Risk of Victimization and/or Sexually Aggressive Behavior to make housing, bed, program, education, and work assignments for residents with the goal of keeping all residents safe and free from sexual abuse.
 - b. Residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of ensuring residents safety can be arranged. During any period of isolation, the BJJS shall not deny residents daily large-muscle exercise and legally required educational programming or special education services. Residents that are isolated shall receive daily visits from a medical and/or mental health provider. Residents shall also have access to other programs and work opportunities to the extent possible.
 - c. If a resident is isolated pursuant to the above paragraph, the facility shall complete an AIIRS report and clearly document the incident in the communication log:
 - The basis for the facility's concern for the resident's safety
 - The reason why no alternative means of separation can be arranged

- d. As soon as possible, but in any event, prior to 30 days, an MDT meeting shall occur to determine whether there is a continuing need for separation from the general population.
- e. Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall the BJJS consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- f. In reaching a determination of whether to assign a transgender or intersex resident to a facility for male or female residents, as well as in making other housing and programming assignments, the BJJS shall consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether the placement would present programmatic management or security problems.

Placement and programming assignments for each transgender or intersex resident shall be reassessed at a minimum of every six months (twice each year) to review any threats to safety that may have been experienced by the resident.

A transgender or intersex resident's own views with respect to his or her own safety shall be considered seriously.

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

E. Reporting

1. Resident Reporting

- a. The BJJS shall provide multiple internal methods for residents to privately report sexual abuse and/or sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and/or staff neglect or violation of responsibilities that may have contributed to such incidents.

In addition, the BJJS shall also provide at least one method for residents to report sexual abuse and/or sexual harassment to a public or private entity or office that is not part of the BJJS and that is able to receive and immediately forward resident reports of sexual abuse and/or sexual harassment to BJJS officials allowing the resident to remain anonymous upon request.

These methods include, but are not limited to:

- 1.) Direct reporting to an employee, educational staff, or contracted entity
- 2.) Private reporting to a public or private entity, or an office that is not part of the agency
 - a.) Residents will have access to telephones that are specially for the purpose of privately reporting sexual abuse
 - b.) Staff shall provide residents with access to telephones to call sexual abuse hotline number(s) upon request.

3.) The grievance process

- b. Staff shall accept reports made verbally, in writing, anonymously, and from third parties. These reports shall be immediately processed according to child abuse regulations.
- c. The BJJS shall provide residents with access to tools necessary to create a written report.
- d. Through the methods listed above (at a minimum), staff shall be provided the ability to privately report sexual abuse and/or sexual harassment of residents.

2. Exhaustion of Administrative Remedies

- a. All facilities within the BJJS shall follow the BJJS Policy 3.03A Resident Grievances.
- b. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing a request for administrative remedy relating to allegations of sexual abuse, and shall also be permitted to file such a request on behalf of residents.
 - If a third party other than a parent or legal guardian files such a request on behalf of a resident, the BJJS may require as a condition of processing the request that the alleged victim confirm the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 - If the resident declines to have the request processed on his or her behalf, the BJJS shall document the resident's decision.

- A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.

- c. A facility within the BJJS may discipline a resident for filing a grievance related to alleged sexual abuse, only where the facility demonstrates that the resident filed the grievance in bad faith.

3. Resident Access to Outside Support Services and Legal Representation

- a. Residents will be provided access to outside support services and legal representation in accordance with BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse and/or Sexual harassment.

4. Third Party Reporting

- a. All facilities within the BJJS shall follow the BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment (Section A, number 3).

F. Official Response Following a Resident Report

1. Staff and Agency Reporting Duties

- a. Following a resident report of sexual abuse and/or sexual harassment all facilities within the BJJS shall act in accordance with BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment, 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment, and Department of Public Welfare Child Abuse Regulations.

2. Agency Protection Duties

- a. When the BJJS learns that a resident is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the resident in accordance with BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment and 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment.

3. Reporting to Other Confinement Facilities

- a. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Facility Program Director that received the allegation shall notify the facility head or appropriate office of the agency where the alleged abuse occurred. Allegations of sexual abuse and/or sexual harassment shall also be reported in accordance with BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment, and all Pennsylvania child abuse regulations.
- b. Notification to the facility head or appropriate office of the agency where the alleged abuse occurred shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.
- c. The facility shall document that it has provided such notification. This information shall be documented in AIIRS.
- d. The facility head or agency office that received such notification is responsible to investigate and report in accordance the PREA juvenile standards.

4. Staff First Responder Duties

- a. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond shall act in accordance with BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment, 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment, and DPW Child Abuse Regulations.

5. Coordinated Response

- a. Each facility within the BJJS shall develop a written plan to coordinate actions taken in response to an incident of sexual abuse and/or sexual harassment among first responders, medical and mental health practitioners, investigators, and facility leadership. This plan shall be in accordance with BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment, 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment and include information outlined in the Alleged Abuse Sexual Assault Checklist (Appendix F).

6. Preservation of Ability to Protect Residents From Contact with Abusers

- a. The BJJS maintains its right and ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation as per Section 803 of the Pennsylvania State Civil Service Act.
- b. The BJJS maintains its right and ability to make determinations of whether and to what extent discipline is warranted in cases of sexual abuse and harassment as per DPW Policy Manual 7174 and DPW Policy Manual 7178.
- c. Neither the BJJS nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation, or of a determination of whether and to what extent discipline is warranted.

7. Agency Protection Against Retaliation

- a. The BJJS shall ensure all residents and/or staff who report and/or cooperate with investigations of sexual abuse and/or sexual harassment are protected from retaliation in accordance with BJJS Policies 1.01A Transfer of Residents, 1.06A Reporting and Investigating Resident/Child Abuse, Sexual Abuse and/or Sexual Harassment and 1.27 Multidisciplinary Team.

8. Post-Allegation Protective Custody

- a. Any use of segregated housing to protect a resident who is alleged to have suffered sexual abuse shall be in accordance with Section D of this policy.

G. Investigations

1. Criminal and Administrative Agency Investigations

- a. Investigations shall be conducted in accordance with the BJJS Policies 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment and 1.09B Management of Investigations.
- b. The BJJS shall not terminate an investigation solely because the source of the allegation recants the allegation.

- c. The BJJS will not make a determination of credibility based on the alleged victim, suspect, or witness' status as a resident or staff. Determinations of credibility will be made on an individual basis.
 - d. The BJJS will not 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.
2. Evidentiary Standard for Administrative Investigations
- a. The BJJS shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
3. Reporting to Residents
- a. Following an investigation into a resident's allegation of sexual abuse alleged to have occurred in a BJJS facility, the facility shall report to residents in accordance with BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment.

H. Discipline

1. Disciplinary Sanctions for Staff
- a. BJJS employees who violate agency sexual abuse and/or sexual harassment policies; or who engage in behavior that contributes to the sexual abuse and/or sexual harassment of residents shall be subject to disciplinary sanctions up to and including termination.
 - b. Disciplinary sanctions 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.
 - c. All terminations for violations of agency sexual abuse and/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 relevant licensing bodies.

2. Corrective Action for Contractors and Volunteer

- 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 and to relevant licensing bodies.
- b. The BJJS shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

3. Interventions and Disciplinary Sanctions for Residents

- a. A resident may be disciplined in accordance with BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment.
- b. The BJJS prohibits all sexual activity between residents and may discipline residents for such activity. The BJJS may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

I. Medical and Mental Health Care

1. Medical and Mental Health Screenings; History of Sexual Abuse
2. Access to Emergency Medical and Mental Health Services
3. Ongoing Medical and Mental Health Care for Sexual Abuser Victims and/or Abusers

All medical and mental health screenings, history of sexual abuse, access to emergency medical and mental health services, and ongoing medical and mental health care for sexual abuse victims and/or abusers shall be provided in accordance with BJJS Policies 1.26 Transitional Services, 4.05A Responding to Reports of Sexual Abuse and/or Sexual Harassment, 4.23 Informed Consent, and 4.25 Emergency Care.

The BJJS shall provide such victims with medical and mental health services consistent with the community level of care.

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.

J. Data Collection and Review

1. Sexual Abuse Incident Reviews

- a. The BJJS will 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.
- b. Such review will occur within thirty (30) days of the conclusion of the investigation.
- c. The Facility Program Director shall convene a review team, at a minimum of upper-level management officials. The review team shall obtain input from direct supervision supervisors, investigators, medical, mental health professional and other employees as appropriate.
- d. The review team shall:
 - 1.) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
 - 2.) 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
 - 3.) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
 - 4.) Assess the adequacy of staffing levels in that area during different shifts
 - 5.) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff
 - 6.) Prepare the Sexual Abuse Incident Review (SAIR) form (Appendix G), including, but not necessarily limited to, determinations made pursuant to section one through five of this section, and any recommendations for improvement and submit to the Facility Program Director and Facility's PREA Compliance Manager

- e. The BJJS shall implement the recommendations for improvement, or shall document its reasons for not doing so on the SAIR form. Documentation shall be maintained in the PREA Audit shared folder.
2. Data Collection, Review for Corrective Action, Storage, Publication, and Destruction
- a. Following all sexual assault incident reviews, the Facility Compliance Manager shall complete the Survey of Sexual Violence Summary (Appendix H). The information is then shared with the BJJS PREA Coordinator via the PREA Audit shared folder.
 - b. The BJJS shall obtain incident-based and aggregated data from all private facilities that contract with the BJJS for the confinement of its residents.
 - c. The BJJS PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually.
 - d. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
 - e. The BJJS shall collect, review, and securely maintain data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - f. Upon request, the BJJS shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
 - g. The BJJS shall meet, no less than annually, to review information collected from all SAIRs and aggregated data included on the Survey of Sexual Violence Summary in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training including:
 - 1.) Identifying problem areas
 - 2.) Taking corrective action on an ongoing basis
 - 3.) Preparing an annual report of its findings and corrective actions for the BJJS, as well as each of its facilities.
 - h. Such a report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the BJJS's progress in addressing sexual abuse.

- i. The annual report shall be approved by the BJJS Director and made readily available to the public through the DPW website.
- j. The BJJS may redact specific material from the reports 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. The BJJS shall also remove all personal identifiers from the reports.
- k. The BJJS shall maintain sexual abuse data collected for at least ten (10) years after the date of its initial collection unless Federal, State, or local law requires otherwise.

K. Audits

1. Audits of Standards

- a. The BJJS shall conduct audits in accordance with BJJS Policy 8.06 PREA Audits.

L. Auditing and Corrective Action

1. Frequency and Scope of Audits

- a. The frequency and scope of audits shall be in accordance with BJJS Policy 8.06 PREA Audits.

2. Auditor Qualifications

- a. An audit shall only be conducted by:
 - 1.) A member of a correctional monitoring body that is no part of, or under the authority of, the BJJS (but may be part of, or authorized by, the relevant State or local government)
 - 2.) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the BJJS
 - 3.) Other outside individuals with relevant experience
- b. All auditors shall be certified by the DOJ. The DOJ shall develop and issue procedures regarding the certification process, which shall include training requirements.

- c. No audit may be conducted by an auditor who has received financial compensation from the BJJS (except for compensation received for conducting prior PREA audits) within the three (3) years prior to the BJJS's retention of the auditor.
 - d. The BJJS shall not employ, contract with, or otherwise financially compensate the auditor for three (3) years subsequent to the BJJS's retention of the auditor, with the exception of contracting for subsequent PREA audits.
3. Audit Contents, Findings, Corrective Action Plans, and Appeals
- a. PREA Audit contents, findings, corrective action plans, and appeals shall be addressed in accordance with BJJS Policy 8.06 PREA Audits.

M. State Compliance

- 1. State Determination and Certification of Full Compliance shall be determined by the PA Governor's office.

Note: The Resource Guide (Appendix I) can be used as a guide when cross-referencing the PREA Juvenile Facility Standards and this policy.

FACILITY OPERATIONS VULNERABILITY ASSESSMENT

ANNUAL ASSESSMENT: REVIEW FOR DEFICIENCY CORRECTION:

FACILITY INSPECTED: _____

AREA INSPECTED: _____

COMPLETED BY: _____ DATE: _____

A. LIGHTING AND CAMERAS		YES	NO	N/A	ACTION PLAN
1.	Is lighting in unit adequate and functioning?				
2.	Are exterior lights adequate and functioning?				
3.	Are there dark areas not reached by lighting?				
4.	Are security cameras adequate and functioning?				
5.	Are there any blind spots in camera range?				
6.	Are critical lighting areas on generator back-up?				
B. BLIND SPOTS / AREAS NOT VISIBLE TO EMPLOYEES					
1.	Are there blind spots in the hallways?				
2.	Are there blind spots in the juvenile's pod?				
3.	Are there blind spots in the multi-purpose rooms?				
C. RADIO COMMUNICATION					
1.	Are there dead spots in radio communication				
2.	Are all radios in working condition				
3.	Are all detention staff equipped with a radio?				
4.	Are spare batteries easily accessible?				

D. DAYROOMS		YES	NO	N/A	ACTION PLAN
1.	Are there blind spots in the dayrooms?				
2.	Are all movements monitored?				
E. BATHROOM AREAS					
1.	Is ingress / egress to the restrooms controlled?				
2.	Is ingress / egress to the showers controlled?				
F. VISITATION AREAS					
1.	Is there controlled ingress / egress in visitation areas?				
2.	Are there separate restrooms for juveniles and visitors?				
3.	Are there visual obstructions or blind spots?				
G. SUPERVISION OF JUVENILES					
1.	Do employees maintain continual visual supervision of all juveniles?				
2.	Do employees conduct face to name counts?				
3.	Do employees notify main control of all juvenile movement?				
4.	Do employees continually patrol their assigned areas?				
5.	Has the staffing ratio/scheduling met the requirements in PREA				

IF THIS IS AN INITIAL OR ANNUAL ASSESSMENT, DATE THE FOLLOW-UP ASSESSMENT THAT WILL BE CONDUCTED, IF NEEDED:

DATE: _____

WHO WILL CONDUCT THE FOLLOW-UP ASSESSMENT? _____

Boundaries in relationships can be difficult. If you question your professional boundaries with a resident or feel uncomfortable with his/her actions or advances toward you, talk to another person you respect and/or bring this matter to the attention of a supervisor before it gets out of control.

Romantic or sexual relationships are inappropriate and illegal when they occur between a resident and any employee, contractor, or volunteer. Residents depend upon employees to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct, and act as role models for socially acceptable conduct.

How to Maintain Appropriate Boundaries:

Most sexual misconduct occurs after professional boundaries have been crossed.

The following behaviors will assist you in maintaining appropriate boundaries:

- ◆ Understand and maintain professional boundaries
- ◆ Maintain professional distance
- ◆ Focus behavior on duties and assignments
- ◆ Do not become overly close with any particular residents
- ◆ Do not share your or other employees, contractors, or volunteers personal information with or around resident
- ◆ Do not accept gifts or favors from residents
- ◆ Be knowledgeable of BJJS policy and procedure, rules of conduct and laws regarding sexual abuse and harassment

Dependent on the findings of any related investigation of an alleged incident, the outcome may result in the loss of you volunteer privileges and/or contract, and criminal charges.



January 2013



Zero Tolerance of Sexual Abuse and/or Harassment for Contracted Employees and Volunteers



Zero Tolerance Provision

The Bureau of Juvenile Justice Services (BJJS) has zero tolerance of sexual abuse and/or sexual harassment against any resident in its custody. This is consistent with the Federal Prison Rape Elimination Act (PREA), Department of Public Welfare, and BJJS policy.

23 PA.C.S. Child Protective Services Law

This chapter applies to the Department; other departments, boards, bureaus and agencies of the Commonwealth or any of its political subdivisions; county children and youth social service agencies and other agencies providing services to children and youth; law enforcement officials; county executive officers; auditors of the Federal government; public and nonpublic schools; intermediate units; area vocational technical schools; independent school contractors; and persons who, in the course of their employment or occupation or in the practice of their profession, come into contact with children.

Forms of sexual abuse and harassment include but are not limited to:

1. Any behavior of a sexual nature directed toward a resident by contractors or volunteers
2. Inappropriate touching
3. All completed, attempted, threatened or requested sexual acts between contractors or volunteers and residents
4. Sexual comments and conversations with sexually suggestive innuendos or double meanings

Abuse of Power

Due to the imbalance of power between residents and contractors or volunteers in residential settings; sexual interactions between contractors or volunteers (who have power) and residents (who lack power) are unprofessional, unethical and illegal.

Some residents may become sexually involved with contractors or volunteers in an effort to equalize the imbalance of power. Occasionally an offender may try to use sex to improve his/her standing or circumstances (e.g., better job, avoid disciplinary action, affect a release plan, gain privileges, etc.).

Because of the imbalance of power, there can never be a consensual relationship. The law states "consent" is not a defense to prosecution.

Responsibility to Report

Contractors or volunteers must report any inappropriate behavior immediately. The presence of illegal and unethical behavior compromises the security and safety of the agency.

If you have general questions, call the Bureau office at (717) 787-9532

To report allegations or suspicions of sexual abuse or sexual harassment contact any BJJS employee, BJJS central office (717) 787-9532, and/or ChildLine (800) 932-0313.

Red Flags:

The following are behaviors or 'red flags' that may signal you or someone you work with is in danger of engaging in sexual misconduct with a resident:

- ◆ Spending a lot of time with a particular resident
- ◆ Change in appearance of a resident or staff member
- ◆ Deviating from agency policy for the benefit of a particular resident
- ◆ Sharing personal information with a resident
- ◆ Horseplay
- ◆ Overlooking infractions of a particular resident
- ◆ Doing favors for a resident
- ◆ Consistently volunteering for a particular assignment or shift
- ◆ Coming to work early/staying at work late
- ◆ Flirting with a resident
- ◆ Standing too close to a resident
- ◆ Taking up a resident's cause or grievance
- ◆ Getting into conflicts with co-workers over a resident
- ◆ Bringing things into the facility for the residents
- ◆ Doing favors for a resident's family
- ◆ Believing a resident is indispensable

Your personal and professional reputation may be jeopardized because of unprofessional conduct. Your career, and your family can also be negatively impacted or destroyed.



Confirmation of Receipt – DPW Pamphlet: Zero Tolerance for Sexual Abuse and Harassment

Please initial the statements below and sign as an acknowledgement of receipt and understanding of the information presented to you.

____ I have received the pamphlet entitled “Zero Tolerance for Sexual Abuse and Harassment for Contracted Employees and Volunteers” of the Bureau of Juvenile Justice Services.

____ I have read the contents and have no questions.

____ I will ensure that this information will be distributed to all new and existing staff members in my organization and will also ensure that all new and existing staff members understand the contents of this pamphlet.

____ I acknowledge that failure to comply with the standards set forth in this pamphlet may result in the loss of contract.

Name of company/contractor

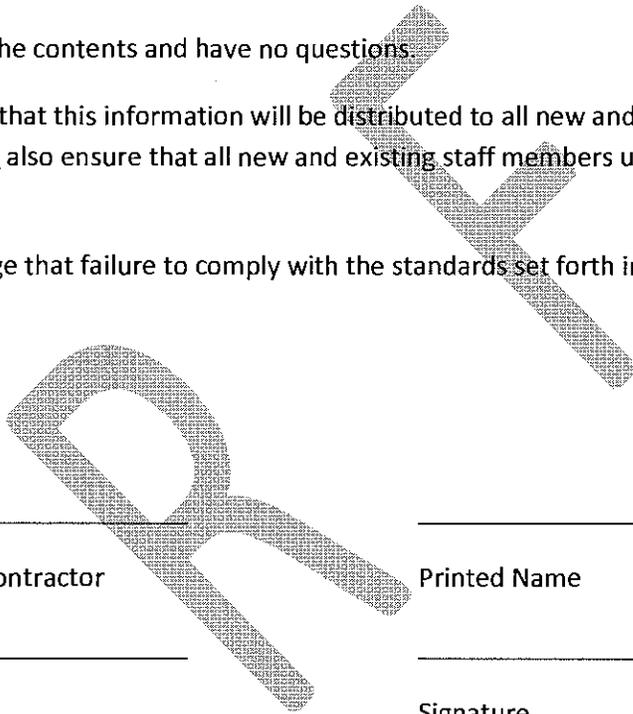
Printed Name

Job Title

Signature

Date

Witness





**Office of Children, Youth & Families
Bureau of Juvenile Justice Services**

**Vulnerability Assessment Instrument: Risk of Victimization
and/or Sexually Aggressive Behavior**

Youth's Name: _____

Sex: ___ Race: ___ DOB: _____

Facility/Program: _____

Date of _____

Assessment: _____

Results:

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Vulnerability Victimization
<input type="checkbox"/>	<input type="checkbox"/>	Sexually Aggressive

Youth Interview:

1. Age of Youth

16 TO 20 YEARS	SCORE 0	
13 TO 15 YEARS	SCORE 1	
11 TO 12 YEARS	SCORE 2	
10 YEARS	SCORE 3	

2. Experience in Institution

Ask: Have you been in a locked juvenile facility?

		Score
NO	SCORE 2	
YES	SCORE 0	

Does the juveniles' response match collateral information? YES (move to question 3) NO

(Move to Question 2a.)

2a. Provide relevant information below. Indicate score changed

3. Social Skills

Lead in with: How do you feel being in a facility with so many other juvenile justice youths?

Then ask:

- Do you feel you get along well with other people? Yes/No (Yes score 0, No score 1)
- Do you find it easy to make friends? Yes/No (Yes score 0, No score 1)
- Do you feel OK about being in groups of people you don't know well? Yes/No (Yes score 0, No score 1)

Award a score of 1 for each No answer.

SCORE (0-3)	
-------------	--

Does the juveniles' response match collateral information? YES (move to question 4) NO

(Move to Question 3a.)

3a. Provide relevant information below. Indicate score changed

4. Perception of Risk

Ask: Do you feel at risk from attack or abuse from other youths?

For example, have you received threats, insults, and harassment from other youths?

Prompt with options if necessary

NOT AT ALL	SCORE 0	
SOMETIMES	SCORE 1	
OFTEN	SCORE 2	

If sometimes or often, ask for more details and note youth's statements below:

Does the juveniles' response match collateral information? YES (move to question 5) NO

(Move to Question 4a.)

4a. Provide relevant information below. Indicate score changed

5. History of Victimization

Ask: Have you ever been attacked, bullied or abused by people your own age (peers)?

Prompt with options if necessary

NEVER	SCORE 0	
A FEW TIMES	SCORE 2	
OFTEN	SCORE 4	

Does the juveniles' response match collateral information? YES (move to question 5b.) NO

(Move to Question 5a.)

5a. Provide relevant information below. Indicate score changed

5b. Ask: Have you ever had a sexual experience that you did not want to have?

If yes, ask what & if this information was reported to Local Social Services and/or Law Enforcement. If youth reports abuse, follow agency reporting procedures

NO	SCORE 0	
YES	SCORE 4	

Does the juveniles' response match collateral information? YES (move to question 6) NO

(Move to Question 5c.)

5c. Provide relevant information below. Indicate score changed

6. Offense Type

Ask: Have you ever been arrested on a sexual offense?

NO	SCORE 0	
YES	SCORE 4	

Does the juveniles' response match collateral information? YES (move to question 6b.) NO

(Move to Question 6a.)

6a. Provide relevant information below. Indicate score changed

6b. Ask: Have you ever engaged in behavior that you would consider sexually aggressive?

NO	SCORE 0	
YES	SCORE 4	

Does the juveniles' response match collateral information? YES (move to question 7) NO

(Move to Question 6c.)

6c. Provide relevant information below. Indicate score changed

7. Intellectual Impairment

From the file review is there any evidence that this youth has been previously reported to have an intellectual impairment (Low IQ), learning disability or Special Education classes?

NO EVIDENCE	SCORE 0	
EVIDENCE	SCORE 2	

8. "Lack of fit" with juvenile justice facility culture

This item requires a judgment by the screener that this youth is unlikely to "fit in" within the mainstream juvenile offender culture. (Place a check ✓ in applicable box)

Look for features of the youth's physical appearance such as:	
<input type="checkbox"/>	Small Build
<input type="checkbox"/>	Looks younger than stated age
<input type="checkbox"/>	Impaired vision (requires glasses)
<input type="checkbox"/>	Pronounced disfigurement
<input type="checkbox"/>	Physical disability
<input type="checkbox"/>	Deaf
<input type="checkbox"/>	Appears frail, weak
Look for features of the youth's presentation and behaviors such as:	
<input type="checkbox"/>	Inappropriate verbal behavior (e.g., giggling, odd remarks)
<input type="checkbox"/>	Inappropriate physical behavior (boys wearing makeup, sexual behavior)
<input type="checkbox"/>	Hunched fearful posture (e.g., very fearful, very shy)
<input type="checkbox"/>	Obvious effeminate behavior
<input type="checkbox"/>	Acts of Aggression – observation
<input type="checkbox"/>	Youth's behavior with the sibling(s)/residents
<input type="checkbox"/>	Youth's behavior in school
<input type="checkbox"/>	Speech impediment
<input type="checkbox"/>	Appears slow or "dull"
<input type="checkbox"/>	Behaviors that are likely to irritate and annoy other youths (e.g., immature, silly)
<input type="checkbox"/>	Behaviors that appear related to mental illness (e.g., jittery, crying, bizarre)
Look for features of the youth which make him or her stand out such as:	
<input type="checkbox"/>	Having a lack of exposure to criminal lifestyle
<input type="checkbox"/>	Being from an ethnic minority not well represented in the offender population (e.g., Vietnamese, Indian, Middle Eastern)
<input type="checkbox"/>	Membership in a gang that is likely to be a target of attack from others.
Note other features not listed above:	
NONE OR ONLY ONE FEATURE	SCORE 0
TWO OR THREE FEATURES	SCORE 2
MULTIPLE FEATURES (FOUR OR MORE FEATURES)	SCORE 4

Overall Risk Score

VULNERABILITY TO VICTIMIZATION

1. Age of Youth Score ____

2. Experience in institution Score ____

3. Social Skills Score ____

4. Perception of Risk Score ____

5a. History of Victimization Score ____

5b. Sexual Experience Score ____

7. Intellectual Impairment Score ____

8. Lack of "Fit" Score ____

OVERALL SCORE

Score of 9 or higher indicates yes to VV

SEXUALLY AGGRESSIVE BEHAVIOR

6a. Sexual Offense Score ____

6b. Sexual Aggression Score ____

OVERALL SCORE

Score of 4 or higher indicates yes to SAB

Results		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Vulnerability Victimization
<input type="checkbox"/>	<input type="checkbox"/>	Sexually Aggressive

Screener: _____ Date / Time Screened: _____

Adapted from the "Prison Youth Vulnerability Scale", New Zealand

Department of Corrections © Crown copyright 2003

Florida Department of Juvenile Justice – Form RC 8050-2

Colorado Department of Human Services, Division of Youth Corrections – Attachment A, DYC Policy 9.19, July 2012

Alleged Abuse & Sexual Assault Checklist**Resident Name:**

- Director or designee informed of alleged abuse
- PREA Compliance Manager informed if alleged abuse is a result of sexual assault
- Childline notified
- Resident was examined by a medical professional
- Safety plan documented and implemented- faxed or e-mailed to CYS and a copy provided to director, PREA Compliance Manager, or designee
- All staff were made aware of the safety plan
- Resident's parent/guardian has been notified of the alleged abuse. (This should be documented on the resident's contact sheet)
- Resident's probation officer has been notified of the alleged abuse. (This should be documented on the resident's contact sheet)
- If the alleged abuse is a result of a sexual assault the probation officers of all the residents in the program need to be notified of the incident.
- All employees that witnessed or have knowledge of the alleged abuse/sexual assault completed individual AIIRS reports
- Photos taken of any injuries the resident may have sustained from the alleged abuse
- Form CY-47 Completed and faxed to CYS

Ensure the compiled AIIRS report has the following information:

- A factual, accurate account of the incident to include all of those who were involved or witnessed the alleged abuse
- Notification that Childline was contacted to include date, time, and the name of person who took the report
- A few sentences stating that the safety plan was created and implemented and when it was faxed to the County Children and Youth Agency
- Medical findings from the Health Services Department, if any, as a result of the alleged abuse incident
- Date, time, and name(s) of when a County CYS Representative(s) arrived and departed from the facility when conducting their investigation
- If applicable, document the date, time, and names of the officers from the Pa. State Police (PSP) or local law enforcement arrived and departed from the facility when conducting their investigation
- Document if the resident requests to press charges with PSP or local law enforcement against the alleged employee
- Date and time when the resident's parents / legal guardian and probation officer were notified of the alleged abuse
- Date and time internal investigation was initiated and by whom
- County Children and Youth Agency investigation findings & if applicable PSP or local law enforcement investigation findings
- Date and time of when the reconciliation meeting was conducted for alleged physical abuse only

SEXUAL ABUSE INCIDENT REVIEW FORM

A. Incident Characteristics:

Date review was conducted:		Facility:	
Building incident occurred:		Date(s) alleged incident occurred:	
Room # incident occurred:		Time(s) incident occurred:	
Date investigation was assigned:		Victim # 1 name:	
Date investigation was completed:		Victim # 2 name (if applicable):	
Name of BJJS investigator:		Victim # 3 name (if applicable):	
BJJS findings:	Choose an item.	Perpetrator # 1 name:	
C&Y findings:	Choose an item.	Perpetrator # 2 name (if applicable):	
PA State Police findings:	Choose an item.	Perpetrator # 3 name (if applicable):	

B. Notification of Investigation Findings to Victim(s):

Victim's name	Employee making notification	Date of notification	Comments

C. Sexual Abuse Incident Review Information Gathering:

Parties Present:

Name	Title	Name	Title

Does investigation indicate a need to change policy/practice to better prevent, detect, or respond to sexual abuse?	Choose an item.
<i>If yes, what are the considerations:</i>	
Was the incident motivated by race	Choose an item.
Was the incident motivated by ethnicity	Choose an item.
Was the incident motivated by gender identity (LGBT or intersex identification/status)	Choose an item.
Was the incident motivated by gang affiliation	Choose an item.
Was the incident motivated or caused by other group dynamics	Choose an item.
<i>If other, please specify:</i>	
Was the area where the incident occurred assessed for physical barriers (<i>If yes please answer the following</i>)	
Date area was assessed:	Person(s) completing assessment
Building incident occurred:	Room #
Was a camera review completed:	Person(s) completing camera review
Date camera review was completed:	Please list camera numbers that were reviewed:
Is there a need for more cameras to be added	Choose an item.
Were any physical barriers or blind spots identified during the review	Choose an item.
<i>Please list barriers that have been identified and possible solutions:</i>	

Resource Guide

A. Prevention Planning

1. Zero Tolerance of Sexual Abuse and/or Sexual Harassment; PREA Coordinator
2. Contracting With Other Entities for the Confinement of Residents
3. Supervision and Monitoring
4. Limits to Cross-Gender Viewing and Searches
 - BJJS Policy: 1.05C Suicide and Self-Injurious Awareness and Management
 - BJJS Policy: 7.10A Resident Searches
5. Residents with Disabilities and Residents Who Are Limited English Proficient
 - BJJS Policy: 1.12 Services for Individuals with Limited English Proficiency
 - Americans with Disabilities Act, 28 CFR 35.164
6. Hiring and Promotion Decisions
 - Commonwealth of Pennsylvania Civil Service Act (P.L. 752, No. 286)
 - Commonwealth of Pennsylvania Management Directive 505.7 – Personnel Rules
 - Commonwealth of Pennsylvania Management Directive 515.15: Identification, Employment and Education Verification Checks
 - Commonwealth of Pennsylvania Management Directive 580.34: Removal of Eligibles for Certification or Appointment in the Classified Service.
 - Commonwealth of Pennsylvania: Governors Code of Conduct:
 - Department of Public Welfare Personnel Manual Section 7177: Employee Criminal Conduct
 - Commonwealth of Pennsylvania: Office of Administration: Memo: Reporting Employees Charged with Criminal Conduct (Jan 2007)
 - Office of Children Youth and Families Bulletin: Implementation of Act 179 and Act 73 of 2007 Amending the Child Protective Services Law
7. Upgrades to Facilities and Technologies

B. Responsive Planning

1. Evidence Protocol and Forensic Medical Examiners

- BJJS Policy 1.06A: Reporting and Investigating Alleged Child/Resident Abuse
- BJJS Policy 1.09B: Management of Investigations
- BJJS Policy 4.05: Responding to Reports of Sexual Abuse and Sexual Harassment
- BJJS Policy 4.16A: Health Care Contract Services
- BJJS Policy 4.25A: Emergency Care
- PCAR Memorandum of Understanding (MOU)

2. Policies to Ensure Referrals of Allegations for Investigations

- BJJS Policy 1.06: Reporting and Investigation of Alleged Child/Resident Abuse
- BJJS Policy 1.09B: Management of Investigations
- BJJS Policy 1.17: Responding to Reports of Sexual Abuse and Sexual Harassment
- DPW Personnel Manual Section 7178
- Management Directive 410-10: Guidelines for Investigating and resolving Internal Discrimination Complaints
- Management Directive 205.33: Workplace Violence
- Department of Public Welfare: Accident and Illness Prevention Policy Manual Established Safety Rules and Methods for their Enforcement – Workplace Violence

C. Training and Education

1. Employee Training

2. Volunteer and Contractor Training

- BJJS Policy 1.13 – Volunteer Services

3. Resident Education

- BJJS Policy 1.12 Services for Individuals with LEP
- BJJS Policy 1.18C Resident File Organization
- BJJS Policy 1.26 Transitional Services
- BJJS Policy 2.04B Resident Handbook

4. Specialized Training: Investigations

- BJJS Policy 1.06A Reporting and Investigating Child/resident Abuse, Sexual Abuse, and/or Sexual Harassment
- BJJS Policy 1.09B Management of Investigations
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment
- DPW: Abuse Investigation Training

5. Specialized Training: Medical and Mental Health

D. Screening For Risk of Sexual Victimization and Abusiveness

1. Obtaining Information from Residents

- BJJS Policy 1.01A Transfer of Residents
- BJJS Policy 1.18B Resident File Organization
- BJJS Policy 1.26 Transitional Services
- BJJS Policy 1.27 Multidisciplinary Team
- BJJS Policy 4.07A Health Insurance Portability & Accountability Act (HIPAA) of 1996

2. Placement of Residents in Housing, Bed, Program, Education, and Work Assignments

- BJJS Policy 1.01A – Transfer of Residents
- BJJS Policy 1.26 – Transitional Services
- BJJS Policy 1.27 – Multidisciplinary Team
- BJJS Policy 2.02A – Massachusetts Youth Screening Instrument – Version 2 (MAYSI-2)
- BJJS Policy 6.01B – Restraint Reduction/Restrictive Procedures
- Chapter 3800 Regulations
- Placement Matrix

E. Reporting

1. Resident Reporting

- BJJS Policy 1.06A – Reporting and Investigating Alleged Child/Resident Abuse
- BJJS Policy 1.09B – Management of Investigation
- BJJS Policy 1.26 – Transitional Services
- BJJS Policy 3.03A – Resident Grievances

2. Exhaustion of Administrative Remedies

- BJJS Policy 3.03A Resident Grievances
- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.25A Emergency Care

3. Resident Access to Outside Support Services and Legal Representation

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 1.26 Transitional Services
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment

Memorandum of Understanding with Pennsylvania Coalition Against Rape

4. Third Party Reporting

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 1.26 Transitional Services

F. Official Response Following a Resident Report

1. Staff and Agency Report Duties

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment
- DPW Child Abuse Regulations

2. Agency Protection Duties

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment

3. Reporting to Other Confinement Facilities

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment
- DPW Child Abuse Regulations

4. Staff First Responder Duties

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.05 Responding to Reports of Sexual Abuse and/or Sexual Harassment
- DPW Child Abuse Regulations

5. Coordinated Response

6. Preservation of Ability to Protect Residents From Contact with Abusers

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment
- BJJS Policy 1.09B Management of Investigation
- PA State Civil Service Act, Section 803
- Reference DPW Policy Manual 7174
- Reference DPW Policy Manual 7178

7. Agency Protection Against Retaliation

- BJJS Policy 1.06 – Reporting and Investigation Alleged Child/Resident
- BJJS Policy 1.27 – Multidisciplinary Team

8. Post-Allegation Protective Custody

- BJJS Policy 1.01A – Transfer of Residents
- BJJS Policy 1.26 – Transitional Services
- BJJS Policy 1.27 – Multidisciplinary Team
- BJJS Policy 2.02A – Massachusetts Youth Screening Instrument – Version 2 (MAYSI-2)
- BJJS Policy 6.01B – Restraint Reduction/Restrictive Procedures
- Chapter 3800 Regulations
- Placement Matrix

G. Investigations

1. Criminal and Administrative Agency Investigations

- BJJS Policy 1.06A Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment
- BJJS Policy 1.09A – Management of Investigations
- DPW Personnel Manual Section 7174
- DPW Personnel Manual Section 7178

2. Evidentiary Standard for Administrative Investigations

- BJJS Policy 1.09B – Management of Investigations
- DPW Personnel Manual Section 7174
- DPW Personnel Manual Section 7178

3. Reporting to Residents

- BJJS Policy 1.06 – Reporting and Investigation Alleged Child/Resident Abuse

H. Discipline

1. Disciplinary Sanctions for Staff

- BJJS Policy 1.09A – Management of Investigations
- DPW Manual Policy 7178
- DPW Manual Policy 7174
- Commonwealth of Pennsylvania Civil Service Act (P.L. 752, No. 286)
- Commonwealth of Pennsylvania Management Directive 505.7

2. Corrective Action for Contractors and Volunteer

- BJJS Policy 1.13 – Volunteer Services Policy

3. Interventions and Disciplinary Sanctions for Residents

- BJJS Policy 1.06A – Reporting and Investigating Child/Resident Abuse, Sexual Abuse, and/or Sexual Harassment

I. Medical and Mental Health Care

1. Medical and Mental Health Screenings; History of Sexual Abuse

2. Access to Emergency Medical and Mental Health Services

3. Ongoing Medical and Mental Health Care for Sexual Abuser Victims and/or Abusers

- BJJS Policy 1.06 – Reporting and Investigation Alleged Child/Resident Abuse
- BJJS Policy 1.26 – Transitional Services
- BJJS Policy 4.04A – Medication Administration
- BJJS Policy 4.05A – Responding to Reports of Sexual Abuse and/or Sexual Harassment
- BJJS Policy 4.07A – HIPAA
- BJJS Policy 4.16A – Health Care Contract Services
- BJJS Policy 4.19A – Sexually Transmitted Infection Testing and Treatment
- BJJS Policy 4.22A – Health Referrals
- BJJS Policy 4.23 – Informed Consent
- BJJS Policy 4.25 – Emergency Care

J. Data Collection and Review

1. Sexual Abuse Incident Reviews

- BJJS Policy 1.06 – Reporting and Investigation Alleged Child/Resident Abuse
- BJJS Policy 1.09B – Management of Investigations

2. Data Collection, Review for Corrective Action, Storage, Publication, and Destruction

K. Audits

1. Audits of Standards

- BJJS Policy 8.06 PREA Audits

L. Auditing and Corrective Action

1. Frequency and Scope of Audits

- BJJS Policy 8.06 PREA Audits

2. Auditor Qualifications

3. Audit Contents, Findings, Corrective Action Plans, and Appeals

- BJJS Policy 8.06 PREA Audits

M. State Compliance

1. State Determination and Certification of Full Compliance shall be determined by the PA Governor's office.