



UNION COUNTY JUVENILE DETENTION CENTER

POLICY AND PROCEDURE

POLICY AND PROCEDURE NO.: 3.D.6

EFFECTIVE DATE: April 2010

REVISED: August 22, 2016

TITLE: Prison Rape Elimination Act (PREA)

AUTHORIZING SIGNATURE:

REFERENCES: Prison Rape Elimination Act (PREA) 42 U.S.C. §15601, et. Seq.
N.J.J.J.C. Standard 13:92-7.6
U.C.J.D.C. Policies and Procedures 1.A.6, 3.A.3a, 3.A.20, 3.C.2
ACA Standards 3-JDF-1D-09, 1D-09-1, 1D-10, 1G-07, 2C-02-1, 3D-06-2,
3D-06-3, 3D-06-4, 3D-06-5, 3D-06-6, 3D-06-6, 3D-06-7, 3D-06-8, 3D-06-9,
3D-06-10

DEFINITIONS:

PREA - Prison Rape Elimination Act

Rape - a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration perpetrated against a person without that person's consent.

Sexual Abuse/Assault - illegal sexual contact that usually involves force upon a person without consent or is inflicted upon a person who is incapable of giving consent (as because of age or physical or mental incapacity) or who places the assailant in a position of trust or authority.

Sexual Contact - The intentional touching of a victim's, defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of a victim's, defendant's or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

POLICY STATEMENT

It is the policy of the Union County Juvenile Detention Center to establish and maintain a zero tolerance for sexual misconduct including harassment, violence, offenses between staff, contract personnel or volunteers and residents and/or aforementioned offenses between residents within the facility; to ensure that sexual activity between staff and residents, volunteers or contracted personnel and residents,

regardless of consensual status is prohibited and subject to administrative and criminal disciplinary sanctions.

All reports of alleged misconduct including harassment and/or violence will be forwarded to the Union County Police Department for investigation consistent with appropriate federal, state and local laws.

PURPOSE

The purpose of this policy is to ensure compliance with the Federal Prison Rape Elimination Act (PREA), and to describe the general procedures that will be used at the Union County Juvenile Detention Center to maintain a workforce with a professional appearance.

AUTHORIZATION

This Policy is authorized by the facility Director taking into account all applicable local, state and federal statutes.

APPLICABILITY

This policy applies to all Union County Juvenile Detention uniformed and civilian staff, visitors, volunteers and contracted service vendors associated with and/or contracted through the Union County Juvenile Detention Center.

PREVENTION

Resident Screening and Identification

Staff will review the documented case history of all residents during intake and gather information from the juvenile to assist in determining if he/she has a history of being sexually aggressive or the victim of sexual abuse. Indications that a juvenile may be sexually aggressive, or vulnerable to assault or victimization, will be reported to the facility Director or designee.

Medical and Social Service staff will screen each resident for potential sexually aggressive behavior and vulnerabilities to being a victim of sexual assault within twenty-four (24) hours of admission.

If a resident is identified as being in need of special attention or housing considerations during the intake process, the information will immediately be reported to the facility Director or designee. The resident must be placed on close watch and referred to the mental health screener for evaluation.

Trained social service staff will administer a sex offense specific assessment tools during the intake process identifying residents with dismissed sexual offenses and those with sexual offenses amended to non-sexual offences and residents involved in incidents of a sexual nature for recommendation and appropriate actions.

Residents with a current and/or prior adjudication for sexual offenses identified as sexual predators or those likely to be exploited or victimized by others will be placed on close watch and required to sleep alone.

Juveniles identified as risk for sexually aggressive behavior or vulnerability to victimization will be “red flagged” by making notation in their Classification Notes and Jail Tracker Alert. A complete written plan of action will be completed by assigned Social Worker.

All information gathered at initial intake will be copied and presented to the Classification Committee for further consideration of assignment.

The Classification Committee will identify residents through intake documents. Information produced by any and/or all of the above will be taken into consideration in any subsequent classification reviews to include all changes in room or housing unit assignments.

Staff Screening and Identification

All persons applying for positions at the Union County Juvenile Detention Center and current staff applying for promotional positions are subject to a Child Abuse Record Information check (CARI) along with a criminal history background check, to include any history of domestic violence, child abuse or sexual abuse of any person(s), or any other conduct that suggests a failure to protect children or a likelihood of failing to protect them which includes failing to protect them from sexual abuse by others.

The Union County Juvenile Detention shall conduct criminal background records checks at least every five years of current employees and contracted service providers who may have contact with residents.

RESIDENT ORIENTATION

As part of the intake and orientation process residents will receive a copy of the Resident Handbook which contains specific instruction on;

- The facility’s Zero-tolerance of sexual misconduct policy within twenty-four (24) hours of admission.
- The acceptable and appropriate behaviors for themselves and other residents, as well as staff.
- The steps to take if they become a victim of sexual misconduct or witness activity of sexual misconduct and how to notify the appropriate staff member(s)
- The resident grievance policy, including how to obtain direct access to administrative staff.

Residents will also complete the social service orientation to include a complete review of the resident handbook and the facility’s zero-tolerance policy regarding sexual abuse/assault including;

- Prevention and intervention
- Self-protection
- Reporting sexual abuse, assault and/or misconduct
- Treatment and counseling

This information will be communicated orally and in writing in a language clearly understood by the resident during the Social Service Intake. The social service staff member will document the review and resident acknowledgement on a receipt to be placed in the resident’s file.

RESIDENT TRAINING

All residents will attend the Sexual Abuse training seminar provided by the staff of the Union County Juvenile Detention Center. Training sessions are conducted by training staff, weekly or as needed, for all newly committed residents in a designated classroom.

STAFF POLICY NOTICE AND TRAINING

All Union County Juvenile Detention Officers, contracted service providers and volunteers and visitors will receive training on the facility's PREA policy and provided with, or have access to, a copy of the PREA policy and required to sign receipt for same.

All Union County Juvenile Detention Officers, contracted service providers and volunteers will receive comprehensive training regarding PREA as well as the facility's Zero Tolerance Activity policy.

Training will include information regarding appropriate relationships and boundaries relevant to juveniles, prevention of sexual misconduct, proper reporting of alleged incidents of sexual misconduct and investigative techniques for allegations of sexual misconduct. All staff, contracted staff and volunteers will receive mandatory refresher training annually.

Visitors who may have resident contact will not undergo extensive training but will receive training on the agency's PREA Zero Tolerance policy regarding sexual pressure and/or abuse and reporting procedures. The Union County Juvenile Detention Center Policy and Procedure 3.D.6, Prison Rape Elimination Act, will be available for review in the lobby along with signs posted throughout the facility. All visitors will also be informed of the Zero Tolerance policy through the Resident Visitation Records they are required to sign to acknowledge that they understand the policy.

All uniformed staff will be properly trained in the pat search procedures of cross-gender residents and searches of transgender and intersex residents ensuring that such searches are only performed in emergent situations and documented in the exigent circumstance log book used for the documentation of any cross-gender search.

All staff of the opposite gender of the residents housed in a unit must announce their presence when entering the unit.

Supervisory Custody staff are required to conduct multiple, unannounced rounds, of all occupied areas during their shift. The rounds are required every day on all shifts. Rounds will be documented in the appropriate area log books. Administrative staff will conduct unannounced staff visits to the housing units, work, educational, recreational and other areas regularly. All administrative staff visits will be documented and maintained by the facility Director.

REPORTING

Incident Reporting

Resident(s) who are victims of sexual assault or misconduct may report the incident to any UCJDC staff member, contracted staff member or volunteer. Residents may also reports incidents of sexual

misconduct or sexual abuse of another resident to any UCJDC staff, contracted staff member or volunteer.

UCJDC staffs, contracted staff members and volunteers are required to immediately report any allegation(s) of sexual assault or sexual misconduct both verbally and in writing to the facility Shift Commander on duty who will immediately report the allegation to the facility Director or designee.

At direction of the Director or designee, the Union County Police will be notified and head the investigation, consistent with federal, state and local laws.

The Facility Director or designee will immediately report allegations of sexual abuse or misconduct to the Director of Human Services.

The Facility Chief and/or assigned supervisory staff will ensure the completion of detailed reports by staff and/or residents having knowledge of the alleged sexual assault or misconduct.

The Facility Chief and/or assigned supervisory staff will notify medical services and request recommendation for the resident's treatment in compliance with medical policies and/or procedures.

The facility Chief and/or assigned supervisory staff will ensure that all allegations of sexual assault or misconduct of a resident is immediately reported to the New Jersey Department of Children and Families Institutional Abuse Investigation Unit, the New Jersey Juvenile Justice Commission and the parent(s) or guardian(s) of the resident.

In addition to investigative files the Facility Director or designee will maintain files of all sexual allegations, which will include but not be limited to;

- Complete copies of all reports pertaining to the incident
- A description of the alleged incident
- The victim(s) and the perpetrator(s) identities
- Offender information and;
- Any and all actions taken
- Case disposition
- Medical and counseling findings
- Recommendations for post-release treatment and/or counseling in accordance with New Jersey State Division of Archives and Records Management

UCJDC staff, contracted staff members or volunteers who fail to immediately report knowledge of an allegation of sexual assault or misconduct may be subject to facility disciplinary charges and/or criminal investigation and prosecution under applicable state and local laws.

UCJDC staff, contracted staff members or volunteers are prohibited from disclosing information regarding reports of sexual assault, abuse or misconduct to anyone not involved in the investigation.

ADVOCACY SERVICES

The Union County Juvenile Detention Center and the Union County Rape Crisis Center has joined together through Memorandum of Agreement to supply the victim of sexual assault with the services of a Rape Crisis Advocate who will be contacted either by the victim, social services or other designated staff when an incident of sexual assault has occurred.

The advocate will meet the victim of the sexual assault at the hospital and remain with him/her throughout all aspects of the SANE examination and investigation when requested by the victim of the sexual assault and make referrals to outside counseling agencies when needed.

The Union County Rape Crisis Center will provide In-service training to the staff of the Union County Juvenile Detention Center as needed.

INVESTIGATIONS OF REPORTS OF SEXUAL OFFENCES

When there is a reported allegation that a sexual offense has occurred, supervisory staff will immediately;

- Notify the appropriate Chain of Command
- Ensure the victim is safe and kept separate from the alleged aggressor.

If the alleged incident occurred within the last five (5) days, the following additional steps will be taken;

- Ensure the victim does not shower, eat or drink until after evidence collection and;
- Secure the incident area and treat it as a crime scene until cleared by the Union County Police or assigned investigator

The Union County Police and/or the Union County Prosecutor will assign an investigator to investigate allegations of sexual offences within the facility. The gender of the investigation officer will be considered when making this assignment.

The Investigator will provide information as necessary to the Facility Director or designee to ensure the most appropriate placement of alleged victims, perpetrators and witnesses. The Facility Director or designee will be responsible for ensuring the placement of alleged victims, perpetrators and witnesses providing an environment of adequate safety and prevents intimidation.

The Director of Custody will ensure appropriate documents and status changes are communicated to the Union County Police Department for proper disposition.

The Union County Police will forward a copy of the Investigative Summary Report to the Director of Custody at the conclusion of the investigation who will forward a copy to the New Jersey Juvenile Justice Commission.

In all cases of reported sexual offenses the facility Chief or assigned Supervisor in charge will ensure that the Union County Rape Crisis Center is contacted immediately on behalf of the victim. The facility

Chief or assigned Supervisor will instruct Social Service staff to make contact with the Rape Crisis Center (in the absence of the Social Service staff the Chief or assigned Supervisor will make contact).

The Union County Rape Crisis Advocate will be provided access to the victim upon arrival at the hospital and will be allowed to remain with the victim in the capacity of advocate throughout the investigative process.

TREATMENT FOR AN ALLEGATION OF SEXUAL ASSAULT OR VICTIMIZATION

Treatment for an Allegation of Sexual Assault or Victimization

1. Medical and mental health treatment must be provided within five (5) days of an alleged incident;
 - A. On site mental health treatment for sexual assault victim(s) will be limited to emergency measures for physical injuries (if applicable) and emotional stability of the resident without interfering with evidence collection. Facility staff will document all actions taken on required forms including progress and/or case notes.
 - B. Alleged victims of sexual assault will be escorted with appropriate security provisions to the nearest local emergency room for medical treatment and the appropriate gathering of evidence.
 - C. A qualified Health Care Professional shall request that the local emergency room staff complete the following;
 - ❖ Conduct an appropriate medical screening that includes an examination to document the extent of physical injury and determine if referral to another medical facility and/or services is required. This examination will be conducted with the victim's consent and will include collection of evidence from the victim, using a Sexual Assault Nurse Examiner kit;
 - ❖ Ensure that collected evidence be given directly to the investigative law enforcement authority.
 - ❖ Inform the alleged victim of the right to be tested for HIV and/or sexually transmitted diseases (ie; gonorrhea, hepatitis etc.) and provide appropriate counseling
 - ❖ With the victim's consent, provide prophylactic treatment and follow-up for sexually transmitted diseases as appropriate and;
 - ❖ Ensure the availability of a mental health professional to assess the need for crisis intervention, counseling and long term follow up after the physical examination has been completed.
2. Medical treatment after five (5) days of alleged incident
 - A. Upon notification of an alleged sexual assault of a resident, on-site nursing assessment for possible medical issues shall occur with a referral made to the physician or nurse practitioner for needed treatment and follow-up care. Referrals and/or outside treatment may occur as dictated by the resident's medical condition per established medical policy.
 - B. Ensure that the resident and the alleged aggressor (if a resident) are referred to mental health services for assessment and intervention as outlined below.

- C. Ensure follow-up on any medical orders, including testing for HIV and sexually transmitted diseases by consent or court order.

3. Mental health and other Support Services for a Resident Victim

- A. The on-site contracted mental health crisis worker will see the resident as soon as possible for assessment and crisis intervention as appropriate.
- B. If an allegation is made after hours facility staff will notify the Facility Director or designee for coordination with the contracted crisis unit and/or other personnel as indicated for follow-up.
- C. The contracted Crisis Team composed of psychiatric, medical staff, mental health screener and Social Services will develop a follow-up and treatment plan for the resident victim.
- D. Referrals to mental health services will be made for the resident victim as deemed appropriate.
- E. Referrals and other related support services for resident victims will be coordinated and documented as required in case notes, progress reports and incident reports etc., by appropriate staff.

Referral and continued services provided for resident victims with the Union County Rape Crisis Center and/or any other support services will be coordinated and documented by social service staff per facility policy, including resident case notes.

SANCTIONS FOR VIOLATIONS

Any staff member, contracted personnel or volunteer who violates or permits the violation of this policy, or who fails to report any violation of this policy may be subject to disciplinary action, up to and including termination or termination of services and/or criminal prosecution.

DISCIPLINARY ACTIONS

The UCJDC employees, contracted personnel or volunteers who do not conform to the provisions set forth in this policy and/or any internal management procedures implemented in connection with this policy may be subject to the following;

- A. Disciplinary action
- B. Personal, civil and/or criminal liability
- C. Denial of indemnification and/or
- D. Denial of representation by the County of Union County Counsel

UCJDC employees, volunteers and contracted personnel will cooperate with the UCJDC Investigators and other law enforcement personnel during an investigation.

The County of Union County Counsel will make decisions regarding C and D stated above after completion of the investigation.

RETALIATION

All employees, contracted personnel and volunteers are prohibited from retaliating against other employees, contracted personnel, volunteers or residents for reporting allegations of sexual assault or sexual misconduct. Any employee, contracted personnel or volunteer that is found to have violated this prohibition will be subject to disciplinary action or termination of services and/or criminal prosecution if warranted.

The Director of Custody or designee will be responsible for monitoring all cases of sexual assault or sexual harassment, by following up with the resident and/or staff member(s) involved. Documented periodic checks will be conducted for a period of not less than ninety (90) days, to ensure that there is no retaliation.

DATA REPORTING

The UCJDC will be responsible to accurately maintain records and data that reflects the number, type and disposition of sexual offense allegations and when reportable, sexual misconduct allegations that occur in the facility.

The facility Director shall report annually to the Director of Human Services regarding the number, type and disposition of sexual misconduct allegations made at the facility. All sexual assaults will be documented on the Significant Incident Summary which will be forwarded to the Director of Human Services.

The UCJDC will prepare an annual public report assessing the facility's progress in addressing sexual abuse and post this report in the main lobby of the facility and on the facility's future website.

Each reported incident of sexual misconduct shall be reported to and investigated by the Union County Police and the NJ Department of Children and Families Institutional Abuse Investigation Unit.

CONTINUOUS QUALITY IMPROVEMENT

The Incident Review Committee, appointed by the facility Director, to be chaired by the assigned PREA Coordinator, shall be responsible for developing and implementing a methodology that shall assess the facility for potential vulnerability for sexual assault occurrences on an annual basis.

The methodology used to assess the facility should include a measure of the facility's physical plant, standards of operation, and staff and resident feedback.

The committee shall review policies, procedures, standards and any incidents of sexual assault or misconduct, and make recommendations for change or improvement to the facility Director or designee.

ANNUAL REVIEW

This policy shall be reviewed annually by the facility Director or designee.