



# Georgia Department of Juvenile Justice

## Requirements of A PREA Case

All PREA cases must meet the Department of Justice definition of sexual abuse and sexual harassment.

Normal adolescent sexual behavior, such as masturbation in a private area when the youth has a reasonable expectation that he/she is not and will not be observed, is not considered a violation and does not require a PREA response. In addition, institutionalized behaviors such as exposure are not included in the Department of Justice definition of sexual abuse. Incidents of youth inappropriately touching staff are also excluded from the DOJ definitions of sexual abuse; although such incidents may constitute a violation of applicable state law.

In the spirit of PREA, the intent is to protect the youth from sexual abuse and sexual harassment.

The following codes meet the requirements of a PREA Case:

- (1) Youth-on-Youth Unwanted, nonconsensual, Coerced, or unable to consent or refused (Sexual Penetration – Rape)
  - (2) Youth-on-Youth Unwanted, nonconsensual or Coerced (Non- Penetration-Touching)
  - (3) Youth-on-Youth Sexual Harassment
  - (4) Staff-on-Youth (Sexual Penetration)
  - (5) Staff-on-Youth (Non- Penetration Touching)
  - (6) Staff-on-Youth Indecent Exposure
  - (7) Staff-on-Youth Sexual Harassment and/or Voyeurism
- **PREA Youth (PY)**
  - **PREA Staff (PS)**

Code	Description/Definition	Investigation Requirement	Commissioner’s Critical Information Requirement
<b>PY1</b>	<p><b>Youth-on-Youth Sexual Penetration (Regardless of age)</b></p> <p>Any sexual penetration of a youth by another youth that is <i>unwanted, nonconsensual</i>, or to which the youth is <i>unable to consent or refuse</i>. The sexual abuse included, if the victim does not consent, is coerced into such act by overt or implied threats of violence:</p> <p>A. Contact between the penis and the vulva, vagina or the penis and anus including penetration (however slight);</p> <p>B. Contact between the mouth and the penis, vulva, vagina, or anus;</p> <p>C. Penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument.</p>	<p>OI will investigate</p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p> <p>Report to DFCS within 24 hours if any of the youth are under the age of 18.</p>	<p><b>Critical Incident</b></p> <p><u>PY1-PY3</u></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>

	<p><u>Georgia Laws:</u></p> <ul style="list-style-type: none"> <li>➤ 16-6-1 Rape</li> <li>➤ 16-6-22.2 Aggravated Sexual Battery</li> <li>➤ 16-6-2 Sodomy; Aggravated Sodomy</li> <li>➤ 16-6-3 Statutory Rape</li> <li>➤ 16-6-15 Solicitation of Sodomy</li> </ul>		
<b>PY2</b>	<p><b>Youth-on-Youth Sexual Contact – Non Penetrative/Touching (Regardless of age)</b></p> <p>Any sexual penetration of a youth by another youth that is <i>unwanted, nonconsensual</i>, or to which the youth is <i>unable to consent or refuse</i> non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks of another youth without penetration; or by a youth of another youth without the latter’s consent, or of a youth who is coerced into sexual contact by threats of violence, or of a youth who is unable to consent or refuse. <b>Excluding</b> contact incidental to a physical altercation.</p> <p><u>Georgia Laws:</u></p> <ul style="list-style-type: none"> <li>➤ 16-6-22.1 Sexual Battery</li> <li>➤ 16-6-16 Masturbation for Hire</li> </ul>	<p><b>OI will investigate</b></p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p> <p>Report to DFCS within 24 hours if any of the youth are under the age of 18.</p>	<p><b>Critical Incident</b></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>
<b>PY3</b>	<p><b>Youth-on-Youth Sexual Harassment (Regardless of age)</b></p> <p><i>Repeated</i> unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another youth.</p>	<p><b>OI investigate</b></p> <ul style="list-style-type: none"> <li>• Youth mental status</li> <li>• Level of repeated advances</li> <li>• Bullying status</li> </ul> <p>OI may refer back to facility or community controlling office or placement for the facility director or community based supervisor to initiate the appropriate disciplinary action or sanction.</p> <p>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</p>	<p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p> <p>Report to Commissioner immediately (thru chain of command).</p>
<b>PS1</b>	<p><b>Staff/Contractor/Volunteer-on-Youth Sexual Penetration</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; sexual penetration of a youth by a Staff Member, Contractor, Volunteer, or Intern with or without consent. The sexual acts included are:</p> <p>A. Contact between the penis and the vulva, vagina or the penis and the anus, including penetration, however slight;</p>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p>Contact Director of Investigations immediately.</p> <p>Must immediately contact the PREA Unit Field Supervisor for</p>	<p><b>Critical Incident</b></p> <p><b>PS1-PS2</b></p> <p>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</p>

	<p>B. Contact between the mouth and the penis, vulva, vagina, or anus;</p> <p>C. 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;</p> <p>D. 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/contractor/Volunteer/Intern has the intent to abuse, arouse, or gratify sexual desire.</p> <p><b>Georgia Laws:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-1 Rape</li> <li>➤ 16-6-22.2 Aggravated Sexual Battery</li> <li>➤ 16-6-2 Sodomy; Aggravated Sodomy; Medical Expenses</li> <li>➤ 16-6-3 Statutory Rape</li> <li>➤ 16-6-5.1 Sexual Assault by Persons with Supervisory or Disciplinary Authority</li> <li>➤ 16-6-15 Solicitation of Sodomy</li> <li>➤ 16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Report to Commissioner immediately (thru chain of command).</b></p>
<p><b>PS2</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Sexual Contact - Non Penetrative/Touching</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; any intentional contact, non-penetrative touching directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to official duties or where the staff/contractor/volunteer/Intern has the intent to abuse, arouse, or gratify sexual desire. (i.e. Pat searches, etc.)</p> <p><b>Georgia Law:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-22.1 Sexual Battery</li> <li>➤ 16-6-5.1 Sexual Assault by Persons with Supervisory or Disciplinary Authority</li> <li>➤ 16-6-16 Masturbation for Hire</li> <li>➤ 16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Critical Incident</b></p> <p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>
<p><b>PS3</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Indecent Exposure</b></p> <p>In DJJ custody, on DJJ property or at a community residential program; any display by a Staff member, Contractor, Volunteer, Intern of his or her uncovered genitalia, buttocks, or breast in the presence of a youth.</p> <p><b>Georgia Law:</b></p> <ul style="list-style-type: none"> <li>➤ 16-6-5 Enticing A Child for Indecent Purposes</li> <li>16-6-4 Child Molestation; Aggravated Child Molestation (age 16 or under)</li> </ul>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p>	<p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>

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<p><b>PS4</b></p>	<p><b>Staff/Contractor/Volunteer-on-Youth Voyeurism and/or Sexual Harassment</b></p> <p>In DJJ custody, on DJJ property, or at a community residential program when a Staff Member, Contractor, Volunteer, or Intern engages in any of the following behaviors:</p> <p><b>A. Voyeurism:</b> Invasion of a youth's privacy for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at a youth who is using the toilet in his or her cell/room; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.</p> <p><b>B. Sexual Harassment:</b> Sexual advances, request for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by staff directed toward youth to include threatening comments. This includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.</p>	<p><b>For all PS Codes:</b></p> <p><b>OI will investigate</b></p> <p><b>Contact Director of Investigations immediately.</b></p> <p><b>Must immediately contact the PREA Unit Field Supervisor for coding confirmation and assigning of investigator.</b></p> <p>Report all allegations to DFCS within 24 hours, if the youth is under the age of 18.</p>	<p><b>Report directly to Deputy Commissioner and/or Assistant Deputy Commissioner.</b></p> <p><b>Report to Commissioner immediately (thru chain of command).</b></p>