

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 16-02</p>	<p align="center">Policy # 23.1</p>
<p>Applicability: {x } Staff/Volunteers/Interns {x } Administration {x } Community Services {x } Secure Facilities (RYDC and YDC)</p>	<p>Related Standards & References: Docket No. OAG-131; AG Order No. 3143-2010 / RIN 1105-AB34; 42 U.S.C. § 15601 <i>et. seq.</i> Prison Rape Elimination Act of 2003 O.C.G.A. § 16-6-5.1; 19-7-5 ACA: 4-JCF-3D-01-09, 3-JDF-3A-21, 31, 3-JDF-3B-14, 3-JDF-3D-06-1-10, 3-JDF-5B-01-2, 3-JDF-5G-11</p>	
<p>Chapter 23: PRISON RAPE ELIMINATION ACT (PREA)</p>	<p>Effective Date: 1/5/16</p>	
<p>Subject: PRISON RAPE ELIMINATION ACT (PREA)</p>	<p>Scheduled Review Date: 1/5/17</p>	
<p>Attachments: A - Facility Annual Staffing Report B - Unannounced PREA Rounds C - Cross Gender Searches Documentation D - PREA Pre-Employment Questionnaire E - Staff PREA Acknowledgement Statement F - Consent to Disclose Protected & Confidential PREA Related Inf. G - PREA Training Series H - Youth PREA Acknowledgement Statement I - Resident Notification of Investigative Outcome J - Sexual Abuse Incident Review Team Meeting Minutes K - Requirements of A PREA Case L - PREA Retaliation Monitoring Sheet M - Sexual Abuse Coordinated Team Response</p>	<p>Replaces: 11/1/14 Operations and Compliance Division</p> <p>APPROVED:</p>  <hr/> <p>Avery D. Niles, Commissioner</p>	

I. POLICY:

The Georgia Department of Juvenile Justice (DJJ) has zero tolerance towards all forms of sexual abuse and sexual harassment of youth in DJJ custody. The Georgia Department of Juvenile Justice strictly prohibits any form of sexual activities involving youth with other youth and youth with staff, visitors, contractors, volunteers, and interns as defined by Department of Justice PREA Juvenile Standards, Georgia State Law, and Georgia Department of Juvenile Justice policies. Such conduct is subject to administrative and disciplinary sanctions, termination, and criminal prosecution.

The Department will take appropriate actions to reduce the risk of all forms of sexual abuse and sexual harassment within the Department of Juvenile Justice facilities, contract residential programs, and community court service offices by implementing the PREA Standards established by the United States Department of Justice.

II. CONSTRUCTION OF POLICY

This policy is structured by subject matter and citations to the PREA Standards established by the United States Department of Justice, thereby allowing the reader of the policy to discover relevant policy provisions by topic and to identify the underlying PREA Standards by citation.

III. DEFINITIONS:

Age Appropriate: A way of communicating, explaining, interviewing, or providing services to a youth that is suitable for the youth’s age and level of emotional and cognitive development.

Agency PREA Coordinator: A full-time upper-level position that has the authority and responsibilities to develop, implement and oversee the agency’s efforts to comply with the PREA Standards in all DJJ facilities/programs/offices.

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Allegation: An oral, written, or electronic statement to a staff member or outside agency that sexual abuse/sexual harassment has occurred or might occur.

Applicant: An individual seeking employment or promotion with the Department of Juvenile Justice, a volunteer subject to a background investigation as outlined in DJJ 1.7, Citizen and Volunteer Involvement, interns, and contractors who provide a service to a youth, including non-parental home placements.

Audits: For the purposes of this policy audits are defined as a thorough investigatory review of information, including written records and interviews with staff and youths, to determine whether and the extent to which an agency and/or facility/program/office policies, practices, and protocols comply with the PREA standards.

Child: Any individual who is:

- Under the age of 17 years;
- Under the age of 21 years, who committed an act of delinquency before reaching the age of 17 years, and who has been placed under the supervision of the court, is on probation to the court, or is committed to the DJJ; or
- Under the age of 18 years, if alleged to be a deprived, abused, or unruly child.

Direct Care Staff: Staff responsible for the direct supervision of youth under the care and custody of the Department.

Director: For the purposes of this policy, the staff member responsible for the overall operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), community service office, or other DJJ owned, operated, or contracted facility.

Gender Identity: A person's internal sense of being male or female, regardless of the person's gender at birth.

Intersex: A person who's 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 sexual development.

LGBTI: Lesbian, Gay, Bisexual, Transgender, Intersex.

Licensed Mental Health Provider: A licensed psychiatrist, licensed psychologist, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Marriage and Family Therapist (LMFT), or Clinical Nurse Specialist (CNS) in psychiatry/mental health. Licensure at the independent practice level is required in order for a clinician to be considered an LMHP.

Prison Rape Elimination Act (PREA): A federal law that supports the elimination, reduction, and prevention of sexual assault and rape within correctional systems. It applies to all federal, state, and local prisons, juvenile facilities, jails, police lock-ups, private facilities and community settings such as residential facilities.

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PREA Standards: Guidelines established by the United States Department of Justice to prevent, detect respond, monitor, and eradicate sexual abuse and sexual harassment within the correctional system.

PREA Compliance Manager: A designated staff member from a facility, program, or office assigned to assist in PREA planning and self-assessment as well as to serve as the liaison between the facility, program, or office and the Agency PREA Coordinator.

Residential Providers: Providers that contract with the Georgia Department of Juvenile Justice and house 51% or more of DJJ residents.

Sexual Abuse: Unwanted, nonconsensual, or to which the youth is unable to consent or refuse.

The sexual abuse included, if the victim does not consent, is coerced into such act by overt or implied threats of violence:

- Contact between the penis and the vulva or vagina, or the penis and anus including penetration (however slight);
- Contact between the mouth and the penis, vulva, vagina, or anus;
- Penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument.

Sexual Harassment: 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.

Sexual Abuse Review Team: Facility team composed by upper level management official, with input from line supervisors, investigators, and medical or mental health practitioners. The facility Sexual Abuse Review Team will conduct a sexual abuse incident review within 10 days of the conclusion of a PREA Investigation unless the allegation has been determined to be unfounded.

Special Incident Report (SIR): A report that provides details regarding an event involving youth, employees, and/or facilities/programs/offices that interrupts normal procedure or precipitates a crisis.

Transgender: A person whose gender identity is different from the person's assigned sex at birth.

Victim Advocate: For the purposes of this policy, an individual, who may or may not be affiliated with the Department, who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure that the victim's interests are represented, their wishes respected, and their rights upheld.

IV. **Prevention Planning (Strategies and Responses to Reduce and Prevent Sexual Abuse and Sexual Harassment)**

(115.311) Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator

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- A. The Department will employ an Agency PREA Coordinator. The Agency PREA Coordinator will have complete and unrestricted access to all agency facilities, contract/residential programs, offices, records, staff, and youth. Facility staff, contract providers, and community service staff must cooperate fully with the Agency PREA Coordinator without fear of reprisal or reprimand.
- B. The Deputy Commissioner of Secure Facilities and Community Services or designee will ensure that each facility, community service office, and program designate a PREA Compliance Manager. The facility/office and program Director or designee will provide the Agency PREA Coordinator with an update of any changes in PREA Compliance Managers within two weeks of the change. The position of the PREA Compliance Manager must be included in the organizational structure of the facility, office, and program.

1. Eligibility to serve as a PREA Compliance Manager:

- a) Staff who serve in the position of a lieutenant or above will be assigned to serve as the PREA Compliance Manager in a facility;
- b) Staff who serve in the position of a Juvenile Program Manager or above will be assigned to serve as the PREA Compliance Manager in a community service office.
- c) Staff who serve in the position of a mid-management or above in programs will be assigned to serve as the PREA Compliance Manager in programs.

2. Responsibilities of a PREA Compliance Manager

- a) Maintains PREA files in a locked cabinet;
- b) Commits at least 10% of a 40-hour work week to coordinate efforts to comply with the PREA Standards;
- c) Ensures that PREA Standards are implemented and monitored;
- d) Completes all policy attachments as required and submits the appropriate reports to the Agency PREA Coordinator;
- e) Has access to and works with the Director to prepare additional reports as required by the Agency PREA Coordinator or other authorized entities;
- f) Reviews allegations of retaliation against anyone who reports or cooperates with investigations of sexual abuse or sexual harassment, and documents claims on attachment L (PREA Retaliation Monitoring Sheet, and
- g) Other responsibilities as required to ensure PREA compliance.

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(115.312) Contracting with Other Entities for the Confinement of Residents

- C. New contract or contract renewals with public and private entities for the confinement of youth, as well as contracts for professional services for youth will include the entity’s obligation to adopt and comply with PREA standards.

(115.313) Supervision and Monitoring

- D. Facilities will develop, implement, and document an approved staffing report that provides for adequate levels of staffing and, where applicable, video monitoring, to protect youth against sexual abuse in accordance with DJJ 7.6, Video Monitoring Systems. Each time the staffing plan is not complied with, the facility will document and justify all deviations from the staffing plan. The facility is required to review, make adjustments, and complete the Facility Annual Staffing Report (Attachment A), and submit its report by the 10th of December with the required signatures to Agency PREA Coordinator.
- E. The facility will require the Administrative Duty Officer or Facility Director to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds will cover all shifts and all areas of the facility. At least two unannounced round must be conducted after 12:30 am and no later than 4:30 am per month. Staff is prohibited from alerting other staff of such rounds. All such rounds must be documented using Attachment B, Unannounced PREA Rounds, and maintained in a binder for PREA audits.
- F. Facilities/Programs/Offices will maintain a clear and unobstructed view into offices, classrooms, or any room/location where a youth and staff may interact.
- G. Clear and Unobstructed View:
 1. In secure facilities, areas, windows, and doors will be free of posters, blinds, paper, etc. that obstruct the direct line of sight into offices and rooms/locations. Locations that are primarily used for administrative (non-youth) purposes may have blinds; however, the blinds must be up anytime youth are in the location and after the close of business.
 2. Blinds may remain in the medical examination rooms. The blinds must remain up or open except when a health care provider is examining a youth in the room.
 3. With the exception of medical examination rooms, areas that have solid doors will be open at all times in which youth and staff are both in the room.
- H. In secure facilities, blind spots will be identified and managed by repositioning officers or installing or updating video monitoring systems, electronic surveillance systems, or other monitoring technologies on internal and external grounds, or by other appropriate means.
- I. Staff will ensure that all hidden or secluded areas (such as janitor closets, blind spots, etc.) where covert sexual behavior may occur are monitored and the doors kept locked and secured at all times. Staff must follow the key control policies to ensure that staff is not allowed to enter into areas where staff and youth may interact after hours. The highly restricted keys must be

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signed in and out at all times as required by DJJ 8.12, Key Control; The Community Service Offices (CSO) must comply with DJJ 20.7, Community Services Key Control.

(115.315) Limits to Cross-Gender Viewing and Searches

- J. Youth in DJJ custody are not subject to discrimination based on race, religion, national origin, gender, sexual orientation, disability, or political views.
- K. Staff members of the opposite gender are required to announce their presence when entering a youth housing unit.
- L. Youth access will not be restricted to regularly available programming or other out-of-cell opportunities in order to comply with PREA provisions.
- M. Non-medical or medical staff will not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth’s genital status. If the youth’s genital status is unknown, it may be determined during a conversation with the youth or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner.
- N. The facility will not conduct cross-gender strip and body cavity searches of youth. In addition to DJJ 8.22, Searches and Contraband Control, cross-gender pat down searches may only be conducted in exigent circumstances, which are any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional orders of the facility. All such searches must be documented detailing the exigent circumstances using Attachment C, Cross Gender Searches Documentation.
- O. DJJ staff responsible for searches will be trained in conducting cross-gender pat down searches and searches of transgender and intersex residents in a professional, respectful manner, and in the least intrusive manner possible, consistent with security needs. The gender of the staff member searching a transgender or intersex resident will depend on the specific needs of the individual resident and on the operational concerns of the facility. Under most circumstances, this will be a case-by-case determination, which may change over the course of confinement and should take into consideration the gender expression of the resident.
- P. With the exception of medical examinations or urine drug screens, staff will not view youth showering, performing bodily functions, or changing clothing except when such viewing is incidental to routine cell checks. Each facility will install “PREA friendly” shower curtains on all shower stalls that provide a view of the youth’s upper body (shoulder and head) and lower body (knees to feet) while the middle of the curtain prevents viewing of the youth’s mid-sections.

(115.316) Residents with Disabilities and Residents who are Limited English Proficient

- Q. Accommodations will be made in accordance with DJJ 15.10, Language Assistance Services, to ensure that youth who are limited English proficient (LEP), deaf, or disabled are able to report sexual abuse to staff directly, through interpretive technology, or through non-youth interpreters.

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- R. The facility will use DJJ 13.32, Special Education Services and its definitions of disabilities to provide age-appropriate and disability services to youth by special education instructors. Each Director, in consultation with the Education Principal/lead teacher, will ensure that the counselor and education staff develop guidelines that will provide assistance to youth with disabilities to deliver PREA information. The guidelines should include but are not limited to the following:
1. Staff responsible for services;
 2. Processes for accessing services to include weekends, holidays, after hours;
 3. Documentation in JTS;
 4. Timeframe in which service is to be delivered; and
 5. Follow-ups.
- S. The facility will prohibit the use of youth interpreters, youth readers, or other types of youth assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first-responder's duties under 115.364, or the investigation of the youth's allegations. All exigent circumstances must be documented.
- T. Each Facility Director or designee will contact the local Interpreters for a Memorandum of Agreement of Services as well as any other facility staff or volunteers that may provide interpretive services, etc. Each Director will insure that the contact information for each interpretive service provider will be posted in the intake area and the control room. All supervisors and intake staff will be aware of how to access these services 24/7. The facility shall post interpretive service information in the intake area and control room for staff access.

(115.317) Hiring and Promotion

- U. Facilities/Programs/Offices will not hire or promote anyone who has been found guilty of sexual abuse or sexual misconduct and sexual harassment.
- V. All new hires and employees being considered for promotion will have a background investigation completed in accordance with DJJ 3.52, Background Investigations.
- W. In accordance with the Prison Rape Elimination Act, the Georgia Department of Juvenile Justice is required to determine if all prospective employees and/or employees being considered for promotions have any allegations of sexual assaults, sexual harassment, and/or any civil/administrative liabilities for sexual misconduct prior to employment and/or promotion. Each applicant is required to complete Attachment D, PREA Pre-Employment Questionnaire, as a part of the interview process.
- X. The Agency shall conduct criminal background record checks at least every five years for non-security employees in facilities and offices as well as contractors in accordance with DJJ 3.52, Background Investigations.

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- Y. The Agency shall perform a criminal background records check and consult applicable sex offender registries before enlisting the service of any contractor who may have contact with youth, in accordance with DJJ 3.52, Background Investigation.
- Z. Employees/Part-Time/Per Diem/Interns must read and sign the Staff PREA Acknowledgement Statement (Attachment E). A copy will be maintained in the personnel file or the appropriate file.
- AA. During the interview process facilities/programs will ask all applicants and prospective employees about previous sexual abuse misconduct. Staff or contractors who omit material regarding sexual abuse and sexual harassment or provide materially false information, will be terminated.
- BB. All staff members who engage in sexual abuse and/or misconduct with a youth will be terminated and will be denied access to all Georgia Juvenile Justice facilities/programs/offices. The Office of Investigations in consultation with the Office of Legal Services will report all terminations and staff resignations for violations of agency sexual abuse policies to appropriate law enforcement agencies and any relevant licensing bodies. The Office of Investigations will diligently pursue prosecution of any staff who violate the agency's sexual abuse policies. (See DJJ 22.3, Internal Investigations). Staff convicted of sexually assaulting a youth may be sentenced to prison in accordance with Federal and/or State Laws.
- CC. Any contractor or volunteer who engages in sexual abuse and sexual harassment shall be prohibited from contact with youth and DJJ property (See DJJ 14.3, Citizen and Volunteer Involvement, Section G: Termination of Volunteer). The contractor or volunteer will be reported to law enforcement agencies and to relevant licensing bodies.
- DD. Unless prohibited by law or DJJ Policies, the Department's Office of Human Resources will provide information on substantiated allegations of sexual abuse or sexual harassment between a current or former employee and a youth upon receiving a request from an institutional employer.

(115.318) Upgrades to Facilities and Technology

- EE. When the agency designs or acquires a new facility or is planning substantial expansion or modification of existing facilities, the agency will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect youth from sexual abuse in addition to the requirements in DJJ 7.1, Physical Plant Requirements. The agency will not consider open bay living units to house youth. The Agency PREA Coordinator will serve on the primary committee for planning purposes.
- FF. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse. Youth will not be recorded or viewed when showering, performing bodily functions, or changing clothing. CCTV will not be installed in youth rooms.

Males and females are prohibited from occupying the same sleeping room.

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V. Responsive Planning

(115.321) Evidence Protocol and Forensic Medical Examinations

- A. The Office of Investigations is responsible for conducting administrative and criminal sexual abuse investigations, including youth-on-youth and staff-on-youth sexual abuse in accordance with DJJ 22.3, Internal Investigations. The investigations will follow the guidelines of a National Sexual Abuse Protocol or similarly comprehensive and authoritative protocol.
- B. All information regarding sexual abuse and victimization, including assessments and evaluations, are protected health information and will be filed in the youth's Health Record. Access to this information shall be determined in accordance with policy DJJ 5.5, Health Records.
- C. If a youth discloses prior sexual victimization or abuse during a medical evaluation, mental health assessment, or at any time, the staff will report the abuse according to DJJ 8.5, Special Incident and Child Abuse Reporting. For youth over the age of 18, staff shall obtain informed consent from the youth prior to reporting the abuse to the Office of Investigations, on-site/off-site medical staff, and others providing care and treatment that have a need to know. (Attachment F, Consent to Disclose Protected & Confidential PREA Related Information).
- D. Victims of sexual abuse will have timely, unimpeded access to emergency medical treatment, crisis intervention services, and victim advocacy, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- E. Any youth reported or believed to have been sexually assaulted shall be immediately referred to the on-site health care staff for an appropriate evaluation to determine the need for emergency care. The youth shall be sent to a hospital for further examination, treatment, and collection of forensic evidence if the incident occurred within the time limits determined by medical staff, but no later than 72 hours. When on-site health care staff is unavailable, the youth shall be transported to the hospital for treatment, as required by DJJ 23.2, Sexual Assault. The first responders will take steps to protect the victim.
- F. Examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). When SANEs or SAFEs are not available, a qualified medical practitioner will perform the forensic medical examinations. The examination will be documented by the facility. Forensic medical examinations and treatment services are offered without financial cost to the youth, in accordance with DJJ 2.10, Payment of Youth Medical Expenses.
- G. The facility, through the DJJ Office of Contracts, will enter into a memorandum of understanding with local rape crisis centers or community service providers that are able to provide youth with access to outside victim advocates for emotional support services related to sexual abuse.
- H. The mailing addresses and telephone numbers, including toll free hotline numbers of local, state, or national victim advocacy groups or rape crisis organizations will be posted in the facility or otherwise made available to youth who are victims of sexual abuse. The mailing

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addresses and telephone numbers of immigration service agencies will be provided to youth who have been sexually abused and are being detained solely for civil immigration purposes. (See DJJ 17.1, Admission and Releases).

- I. The facility Director document attempts to enter into a memorandum of understanding (MOU) and maintains copies of agreements with community service providers. The facility shall enable reasonable communication between youth and these organizations and agencies, in as confidential manner as possible (See Attachment F, Consent to Disclose Protected & Confidential PREA Related Information).
- J. The facility Director will ensure that all youth victims of sexual assault will receive the same level of care as if they were in a community setting. All victims will be immediately referred for outside medical testing and evaluation. Upon release from a secure facility, the community case manager will provide the youth with follow-up referrals for services in the community.
- K. The facility Director will provide youth access, upon request from youth request or recommendation from SANE, SAFE, or Health Care staff, to external medical and mental health victim services for sexual abuse incidents.

(115.322) Policies to ensure Referrals of Allegations for Investigations

- L. Facility Directors will ensure that all allegations of sexual abuse or sexual harassment are referred for investigation in accordance with DJJ 8.5, Special Incident and Child Abuse Reporting.
- M. The Director of Investigations will ensure all allegations of sexual abuse and sexual harassment on DJJ property or in a community residential program, including third party and anonymous reports, are investigated. The Office of Investigations must follow the procedures in accordance with DJJ 22.3, Internal Investigations.

VI. Training and Education

(115.331) Employee Training

- A. All staff must be able to fulfill his/her responsibilities under the agency sexual abuse prevention, detection, and response policies and procedures. Staff must complete the PREA Training Series as listed in Attachment G, PREA Training Series. The facility will document, through employee signature or electronic verification that the employees understand the training they have received. Staff must complete all PREA modules with an 80% passing rate.
- B. In addition to training, the Facility Director or Community Service Office Manager will ensure that key information is continuously and readily available and/or visible to all staff through posters and PREA compliance discussions, reminders in shift briefings, and staff meetings. The agency PREA refresher training will be conducted every two years beginning in 2015. All full and part-time staff members are required to complete the online refresher training as designated by the Agency PREA Coordinator.

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(115.332) Volunteer and Contractor Training

- C. The facility Director or designee shall ensure that all volunteers, interns, and contractors who have contact with youth at the facility have been trained on their responsibilities under the agency’s sexual abuse prevention, detection, and response policies and procedures. The level and type of training provided to volunteers, interns, and contractors is based on the services they provide and level of contact they have with youth. All volunteers, interns, and contractors that do not provide direct services or services on an ongoing basis to youth will be informed of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment, and on how to report sexual abuse. The facility Director or designee shall maintain documentation confirming the volunteers, interns, and contractors understand the zero-tolerance policy training they have received.
- D. Volunteers must complete module 2 “Keeping Our Kids Safe - PREA Video” of the online PREA training and complete DJJ 14.3, Citizen and Volunteer Involvement, Attachment H, Volunteer/Guest Consent and PREA Acknowledgement.
- E. Contractors/Interns must complete PREA training as required by Attachment G, PREA Training Series. The Training Resource Information System (TRIS) will track PREA Training. The on-site Training Coordinator will verify that all staff completed the required training according to level of contact and within the established timeframes.
- F. All Staff Contractors/Interns/Part-Time/29 Hour employees/ Per Diem workers will be required to sign a Staff PREA Acknowledgement Statement (Attachment E). The acknowledgment statement will be reviewed and signed by the worker’s supervisor and maintained in the employees’ local personnel or other appropriate file.

(115.333) Resident Education

- G. During the intake process, youth will receive, at a minimum, age-appropriate information, explaining the agency’s zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents sexual abuse and sexual harassment. After the intake process, the youth will sign the Youth PREA Acknowledgement Statement, (Attachment H). Within 72 hours of the intake process, the youth’s statement will be scanned into JTS documents and listed as PREA Acknowledgement Statement.
- H. Within 72 hours of intake, the facility will provide a comprehensive age-appropriate orientation to youth, with the staff advising youth of the right to be free from sexual abuse, sexual harassment, and retaliation for reporting such incidents. The materials will inform the youth of agency protocol for responding to such incidents. All materials used for the orientation must be authorized by the Agency PREA Coordinator. Completion of the one hour PREA orientation must be documented in the youth’s JTS file.
- I. The facility will maintain documentation of each youth’s participation in the orientation, and the facility case manager will document the youth’s participation in a JTS PREA communications note.

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- J. In addition to providing orientation, the facility Director will ensure that key PREA information is continuously available or visible to youth through posters, student handbooks, or other written formats.
- K. Education staff will provide youth under the Individuals with Disabilities Education Improvement Act (IDEA 2004) equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment (see DJJ 13.32, Special Education Services).

(115.334) Specialized Training: Investigations

- L. The Office of Investigations will receive specialized training as required by PREA standards. Specialized training includes techniques for interviewing juvenile sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or referral to District Attorney’s Office for prosecution in accordance with DJJ 22.3, Internal Investigations. The Office of Investigations shall maintain documentation of each investigator who completes the training.
- M. All PREA investigators are required to complete the National Institute of Corrections (NIC) online training “PREA: Investigating Sexual Abuse in a Confinement Setting” within three months after hire date.

(115.335) Specialized Training: Medical and Mental Health Care

- N. The Office of Medical Health Care Services full and part-time staff are required to complete the National Institute of Corrections (NIC) online training “PREA: Medical Health Care for Sexual Abuse Victim in a Confinement Setting” within three months after hire date. Documentation of completion will be maintained in staff training file.
- O. The Office of Behavioral Health Services full and part-time staff are required to complete the National Institute of Correction (NIC) online training “PREA: Behavioral Health Care for Sexual Abuse Victim in a Confinement Setting” within three months after hire date. Documentation of completion will be maintained in staff file.

VII. Screening for Risk of Sexual Victimization and Abusiveness

(115.341) Obtaining Information from Residents

- A. The intake worker/officer must ask each youth, in a private area, the following question prior to being searched and showered: “Have you been sexually exploited, assaulted, raped, and/or molested within the past 72 hours/(3 days) If the youth answers **YES**, staff will immediately follow the protocol in DJJ 23.1, Prison Rape Elimination Act (PREA), Section VIII. G, Preserve and Protect any Evidence. If the youth answers **NO**, then normal intake procedures will be continued.
- B. As soon as possible, but always within 72 hours of a youth’s arrival to a facility, the PREA Compliance Manager will obtain and use information about each youth’s personal history and

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behavior to reduce the risk of sexual abuse by or upon a resident. The Facility’s Director, Lieutenant Level or higher designee, and PREA Compliance Manager will review the PREA screening report to make the final determination of youth’s vulnerability for victimization.

- C. When a youth is admitted to secure facility, the youth will be screened for vulnerability for victimization and sexually aggressive behavior prior to room assignment. Room assignments by staff will be reviewed by the PREA Compliance Manager to determine a youth’s potential for victimization or predatory behavior.

- D. Youth vulnerability assessments will be conducted and documented by generating the PREA Screening Report (PSR). At a minimum, the report will attempt to ascertain information about the following:
 - 1. Prior sexual victimization or abusiveness;
 - 2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex (LGBTI), and whether the resident may therefore be vulnerable to sexual abuse;
 - 3. Current charges and offense history;
 - 4. Age;
 - 5. Level of emotional and cognitive development;
 - 6. Physical size and stature;
 - 7. Mental illness or mental disabilities;
 - 8. Intellectual or developmental disabilities;
 - 9. Physical disabilities;
 - 10. The youth’s perception of vulnerability; and
 - 11. Any other specific information about the individual youth that may indicate a heightened need for supervision, additional safety precautions, or separation from certain other youths.

- E. The resident’s information will be ascertained through conversations with the youth during the intake process, Mental Health Screening, Medical Screening, Nurse Health Appraisal, Medical Physical Examination, education documentation, and other relevant documents from the youth’s files or Juvenile Tracking System (JTS). Information from the screening and other resources will be populated into the youth PREA Screening Report (PSR).

- F. The facility will control the dissemination of the youth’s information by complying with all applicable disclosure requirements and Facility PREA Compliance Manager. The dissemination

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of information ensures that sensitive information is not exploited to the resident's detriment by staff or other resident.

- G. The Facility PREA Compliance Manager will disseminate results of the PREA Screening Report (PSR) to the facility management team on a need to know basis. The PREA Compliance Manager will implement a system that ensures that staff members working directly with the youth are advised of the status of at risk youth or youth posing a risk to others. The facility treatment team members and program and supervising staff should continually review the youth's adjustment within the facility.
- H. All information obtained shall be used to make housing, bed, program, and work assignments for youth with the goal of keeping all youth safe from sexual abuse (115.342).
- I. Youth may be isolated from others only as a last resort, when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. If a youth is isolated to keep himself/herself safe, the facility shall clearly document the following:
 - 1. The basis for the facility's concern;
 - 2. The reason(s) why no alternative means of separation can be arranged; and
 - 3. A weekly determination of whether there is a need for continuing separation from the general population (115.342).
- J. When assigning a transgender or intersex youth to a male or female facility, staff will consider on a case-by-case basis whether a placement would ensure the youth's health and safety and whether the placement would present management or security problems. Such placements and programming assignments will be reassessed every six months to review any threats to safety experienced by the youth. Serious consideration will be given to the youth's views with respect to his or her safety.
- K. If the youth discloses prior sexual victimization or sexual abuse during intake, medical/mental health screening, or health history, whether it occurred in a facility setting or in the community, staff will ensure the youth is referred for medical and/or mental health services within 72 hours of the screening. Staff must address the youth's prior sexual victimization and document the youth's response in the JTS notes.
- L. During the youth intake process or orientation, the staff will explain and/or read to the youth the Consent to Disclose Protected & Confidential PREA Related Information (Attachment F). The signed statement will be scanned and placed in JTS documents listed as "Consent to Disclose Protected & Confidential PREA Related Information".

(115.342) Placement of Residents in Housing, Bed, Program, Education, and Work Assignments

- M. Each youth in a secure facility will be housed based on his/her custody and housing assessment. Custody and housing assignments will not be based solely on the youth's sexual orientation or gender identity. Housing, bed, program, education, and work assignments are based on

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information obtained from assessments and screenings. The facility makes individualized determinations about how to ensure the safety of each youth. Youth in a Community Residential Program will be housed based on an authorized housing assignment plan criteria approved by Georgia Department of Juvenile Justice Statewide Residential Program Coordinator.

- N. LGBTI youth will not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor will the facility consider LGBTI identification or status as an indicator of the likelihood of being sexually abusive.
- O. Placement and programming assignments for each transgender or intersex youth shall be reassessed at least every six months to review any threats to safety experienced by the youth. A transgender or intersex youth's own views, with respect to his or her safety, will be given serious consideration.
- P. Transgender and intersex youth will be given the opportunity to shower separately from other youth.

VIII. Reporting

(115.351) Resident Reporting

- A. All Facilities/Programs/Offices shall use DJJ 8.5, Special Incident and Child Abuse Reporting as the official written reporting process for any type of sexual abuse and sexual harassment, including verbal, anonymous, and third-party reports.
- B. The Facilities/Programs/Offices will provide multiple internal ways for youth to report sexual abuse, retaliation by other youth or staff for reporting sexual abuse, and violation of responsibilities that may have contributed to an incident of sexual abuse that are easily understood, private, and secure.
- C. Youth assigned to a secure facility may report sexual abuse or seek relief against retaliation by:
 1. Completing a Help Request Form;
 2. Using the grievance process (informal processes will not be utilized to attempt to resolve alleged incidences of sexual abuse; youth are allowed to submit a grievance regarding an allegation of sexual abuse and/or sexual harassment at any time, regardless of when the incident is alleged to have occurred);
 3. Telling a counselor, community case manager, medical or mental health staff, Director or Assistant Director, Parent/Guardian, Chaplain or Minister, Facility PREA Compliance Manager, or any trusted adult;
 4. Calling the external toll-free number to the National Sexual Abuse Hotline;
 5. Calling the DJJ Office of Victim Services, toll free at 1-866-922-6360;

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6. Writing to the Georgia Department of Juvenile Justice Ombudsman Office at the Central Office or calling toll free at 1-855-396-2978.
 7. Resident correspondence is one acceptable avenue for residents to report sexual abuse and harassment outside of the facility and agency. To comply with the standard, the facility will ensure that resident's correspondence addressed to the designated external reporting entity remains unopened. The facility will post the mailing address to the outside entity in all residents' living units.
- D. Youth in community residential programs or youth being supervised in the community may report sexual abuse or seek relief against retaliation by:
1. Contacting the local sexual assault center;
 2. Calling the Department of Family and Children Services Hotline, 1-855-422-4453;
 3. Telling a counselor, teacher, community case manager, medical or mental health staff, Director, Parent/Guardian, Chaplain or Minister, or any trusted adult;
 4. Calling the DJJ Office of Victim Services, toll free at 1-866-922-6360; or
 5. Writing the Georgia Department of Juvenile Justice Ombudsman Office at the Central Office or calling toll free at 1-855-396-2978.
- E. All Community Residential Programs, Contractors, Court Service Offices, and Placements must prominently post the DFCS and Rape Crisis Center hotline numbers. All 800 abuse numbers must be accessible to youth.
- F. When a sexual abuse or sexual harassment incident occurs while transporting a youth or the youth reports sexual abuse or sexual harassment, the special incident reporting process outlined in DJJ 8.5, Special Incident and Child Abuse Reporting, will be used.
1. The transportation officer will immediately notify the Captain of Transportation of the incident. Staff will follow the procedures in DJJ 10.20, Transportation Incident Management.
 2. Community staff who is aware of a sexual abuse or sexual harassment incident while transporting a youth will immediately notify the Juvenile Program Manager of the incident. Staff will follow the special incident reporting procedures in DJJ 8.5, Special Incident and Child Abuse Reporting.
- G. The facility shall give youth mailing addresses and telephone numbers (including toll-free hotline numbers) for agencies providing immigrant services for youth detained solely for civil immigration purposes, and enable reasonable communication between youth and the organizations in as confidential a manner as possible. As a part of civil immigration resources, the facility will maintain a copy of the United States Department of State Consular Notification and Access book. The book may be ordered or downloaded from www.travel.state.gov/consularnotification.

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- H. In addition to the agency TIP line, staff/contractors/volunteer/interns may report sexual abuse and sexual harassment of residents by reporting to the Supervisor, Agency PREA Program Coordinator, Agency Ombudsman Office, Office of Victim Services, etc.

(115.352) Exhaustion of Administrative Remedies

- I. The facility will use DJJ 15.2, Grievance Process, as an administrative procedure to address youth grievances regarding sexual abuse and sexual harassment.
- J. The facility will not impose a time limit when a youth may submit a grievance regarding an allegation of sexual abuse/sexual harassment.
- K. Youth who allege sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. The grievance will not be processed by a staff member who is the subject of the complaint.
- L. Grievances alleging sexual abuse will be processed immediately, but no later than 24 hours of retrieval, and assigned for investigation. Final determination regarding the merits of the grievance will be made upon completion of the investigation within 45 days. Extensions may be approved by the DJJ Commissioner or designee. The Facility Director and/or Office of Victim Services will notify the resident in writing of any such extensions and provide a date by which a decision will be made.
- M. The facility will not discipline a youth for filing a grievance alleging sexual abuse unless the facility demonstrates that the youth filed the grievance in bad faith.

(115.353) Resident Access to Outside Support Services and Legal Representation

- N. The facility will provide youth with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, and for youth detained solely for civil immigration purposes, immigrant services agencies. The staff will inform youth during Orientation the extent to which such communications will be monitored. The facility shall enable reasonable communication between the youth and these organizations in as confidential a manner as possible.
- O. Each facility is required to establish MOU with the nearest Rape Crisis Center to offer youth required services.
- P. The facility will provide youth with reasonable and confidential access to their attorneys or other legal representation and their parents or legal guardians as instructed in DJJ 15.3, Youth Access to Courts and Counsel; 15.5, Youth Visitation; 15.6, Access to Mail; and 15.7, Access to Telephone. The staff will inform youth during intake and prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law (Attachment F, Consent to Disclose Protected & Confidential PREA Related Information).

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(115.354) Third-Party Reporting

- Q. Third-party reporting or filing a grievance: “Stop Crime Online or the Intelligent Tip Line/Form” (see DJJ Website Home Page) may be used by staff, parent/guardian, youth in the community and in residential community placement, and use third-party private reporting of sexual abuse, sexual harassment, and retaliation. DJJ honors all anonymous third-party private reporting. Inquiries and complaints may be submitted to DJJ Ombudsman’s office by email at djjombudsman@djj.stat.ga.us or by calling 1-855-396-2978.
- R. If the youth declines to have third-party assistance in filing a grievance alleging sexual abuse and/or sexual harassment, the facility will document the youth’s decision.

IX. Official Response Following a Youth Report

(115.361) Staff and Agency Reporting Duties

- A. The facility requires all staff to report immediately in accordance with DJJ 8.5, Special Incident Reporting and Child Abuse, any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility or contract program, retaliation against youth or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All staff and practitioners are required to report sexual abuse to designated supervisors. Staff is prohibited from revealing any information related to a sexual abuse report to anyone other than to make treatment, investigation, and other security and management decisions.
- B. Upon receiving an allegation of sexual abuse, the facility Director or designee will promptly report the allegation to the appropriate agency office and to the alleged victims’ parents/legal guardian; unless the facility has official documentation showing the parents/legal guardians should not be notified. If a youth is under the guardianship of the Child Welfare System, the report shall be made to the alleged victims’ case worker instead of the parents or legal guardians. If a juvenile court retains jurisdiction over the alleged victim, the facility Director or designee shall report the allegation to the youth’s attorney of record within 14 days of receiving the allegation. Medical/mental health staff will report all allegations of abuse/harassment to designated supervisors.
- C. When completing the required Special Incident Report (SIR) (DJJ 8.5, Special Incident and Child Abuse Reporting, Attachment A: Part A), staff must complete the JPPS/Court notified and Parent/Guardian notified sections.

(115.362) Agency Protection Duties

- D. Each facility/program/office will immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation for reporting sexual abuse or sexual harassment. Staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to make treatment, investigation, and other security and management decisions.

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- E. Staff will take appropriate steps to protect all youth and staff that report sexual abuse or cooperate with sexual abuse investigations from retaliation by other youth or staff. The facility/program/office will employ multiple protection measures, including custody and housing changes, Special Management Plans, “No Contact Status,” or transfers for youth victims or abusers.

(115.363) Reporting to Other Confinement Facilities

- F. Upon receiving an allegation that a youth was sexually abused or sexually harassed while confined at another facility, the Director of the facility that received the allegation will notify the Director of the facility or appropriate office of the agency where the alleged abuse occurred as soon as possible, but no later than 72 hours, and will also notify the Office of Investigation. The facility will document that it has provided the required notification.

(115.364) Staff First Responder Duties

- G. The staff member receiving sexual abuse information will immediately refer the youth to the medical services staff for initial evaluation and determination of the need for an outside medical referral for further testing and evaluation, in accordance with DJJ 23.2, Sexual Assault.
- H. The first direct care staff member to respond to the allegation will:
1. Take immediate action to protect and ensure that the victim is safe, and separate the alleged victim and perpetrator;
 2. Obtain basic information such as where the incident occurred and who may be involved, but will not ask any other questions;
 3. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
 4. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged victim and abuser do not take any actions that will destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, eating, etc.; and
 5. If the first staff responder is a non-direct care staff member, he or she is required to ensure the victim is safe and instruct the victim and perpetrator not to take any actions that will destroy physical evidence and then immediately notify direct care staff.
 - a) Youth who are alleged victims of sexual abuse will be treated in a sensitive and non-judgmental manner.
 - b) The agency prohibits the use of youth interpreters, youth readers, or other types of youth assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth’s safety, the performance of first-response duties under §115.364, or the investigation of the youth’s allegations.

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- I. In secure facilities, staff will ensure that the garments/clothing worn by those involved and the scenes where the alleged act(s) occurred are protected to make sure that evidence is not further contaminated. This means simply securing any evidence until the arrival of law enforcement and/or DJJ Office of Investigations. Securing is defined as keeping control over the evidence or scene and documenting any access to or deviation regarding access to that evidence. Staff shall not move, touch, or alter the evidence in any way. Staff should not discuss any facts of the incident with anyone except those directly involved in response to the incident or investigation of the incident. All of this information is reportable to law enforcement and subsequent investigators.

(115.365) Coordinated Response

- J. The facility will use the Sexual Abuse Coordinated Team Response (Attachment M) to respond to all sexual incidents.
- K. For PREA codes, the facility Director or designee must immediately contact the PREA Unit Field Supervisor for coding confirmation and assignment of investigator.
- L. The Agency PREA Coordinator, Director of Investigations, and Director of Victim Services will immediately receive Special Incident SQL alerts upon entering PREA Codes into the Special Incident database.
- M. The Director of Victim Services will review the incident and make a determination regarding the immediate and critical need for additional services. Services will be rendered based on the nature and circumstances surrounding the allegation.
- N. Medical and mental health staff will maintain secondary materials (e.g., form, log, victim services card) documenting the timeliness of emergency medical treatment and crisis intervention services that are provided, the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported, and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. When medical examines a youth for sexual abuse, youth will be given the youth victim service information/card prepared by the Office of Victim Services.

(115.366) Preservation of Ability to Protect Residents from Contact with Abusers

- O. Neither the agency 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 agency's ability to remove alleged staff sexual abusers from contact with residents, pending the outcome of an investigation or of a determination as to what extent discipline is warranted. *Note:* DJJ is not involved in "collective bargaining" with union employees.

(115.367) Agency Protection against Retaliation

- P. Directors, Facility PREA Compliance Managers, and other supervisors will take immediate steps to ensure that youth alleging sexual abuse and sexual harassment, or staff reporting, are not victims of any form of retaliation. After a resident reports alleged sexual abuse or sexual

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harassment, staff must complete Attachment L, PREA Retaliation Monitoring Sheet. The facility treatment team members and shift supervisors will continually review the youth's adjustment within the facility and document their findings.

(115.368) Post-Allegation Protective Custody

- Q. Upon return from the emergency room, a new Custody and Housing Assessment will be completed in accordance with DJJ 17.3, Custody and Housing Assessment. The facility Director or designee, in consultation with the Designated Health Authority, will make a final decision regarding housing placement for the alleged victim. The safety, security, and well-being of the alleged victim will be primary in these decisions. The alleged victim will not be housed in the same area as the alleged perpetrator.

X. Investigations

(115.371) Criminal and Administrative Agency Investigations

- A. All allegations of sexual abuse on DJJ property, in DJJ custody, or in a residential program contracted by DJJ, including third party and anonymous reports, will be administratively and/or criminally investigated by DJJ Office of Investigations. All investigations must comply with DJJ 22.3, Internal Investigations and DJJ 8.42, Crime Scene Preservation. If the employee resigns or is terminated or if the victim/reporter recants the allegation, the investigation will be completed by the Office of Investigations.
- B. All PREA related investigations must be completed within 30 calendar days from case assignment unless the investigation is handled by outside agencies or as approved by the Director of Investigations.
- C. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and shall not be determined by the person's status as a resident or staff. The agency 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.
- D. The investigator will produce a final investigative report within the established timeframes for the completion of the investigation, unless time is extended in writing by the Commissioner or designee. The final report will determine whether staff actions or failure to act contributed to the abuse, and the written report includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- E. DJJ will retain all written investigations and Special Incident Reports (SIRs) as long as the alleged abuser is incarcerated or employed plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

(115.372) Evidentiary Standard for Administrative Investigations

- F. The Office of Investigations shall impose no standard higher than a preponderance of the evidence in determining whether the allegations of sexual abuse or sexual harassment are substantiated.

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(115.373) Reporting to Residents

- G. If the investigation reveals that a youth has made a false accusation that he/she, not in good faith, could not have believed to be true, the facility/office/program may take disciplinary action against the youth through all means available within the agency’s disciplinary process. However, the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- H. The Office of Victim Services will inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The Office of Victim Services will use Attachment I, Resident Notification of Investigative Outcome, to document its reportings to a youth.

XI. Discipline

(115.376) Disciplinary Sanctions for Staff

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

(115.377) Corrective Action for Contractors and Volunteers

- E. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with youth and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- F. The facility will take appropriate remedial measures and shall consider whether to prohibit further contact with youth, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer (See 14.3, Citizen and Volunteer Involvement, Section G: Termination of Volunteer).

(115.378) Interventions and Disciplinary Sanctions for Residents

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- G. Youth will receive appropriate interventions if they engage in youth-on-youth sexual abuse. Decisions regarding which types of interventions to use in particular cases, including treatment, counseling, education programs, or disciplinary sanctions, will be made with the goal of promoting improved behavior by the youth and ensuring the safety of other youth and staff. Pre-adjudicated youth will not be placed in a sexually harmful behavior treatment program.
- H. The Director of the Office of Investigations will refer youth for criminal prosecution when appropriate. The agency will discipline youth for sexual conduct with staff only upon finding that the staff member did not consent to such contact.
- I. The facility will prohibit disciplinary action for a youth reporting sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

XII. Medical and Mental Care

(115.381) Medical and Mental Health Screening; History of Sexual Abuse

- A. Medical and mental health practitioners will obtain informed consent from youth before reporting information about prior sexual victimization that did not occur in a facility setting, unless the youth is under the age of 18. (See Attachment F, Consent to Disclose Protected & Confidential PREA Related Information)
- B. The information collected during the medical and mental health screening is strictly limited to informing security and making management decisions about treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by DJJ 5.5, Health Records, and all other federal, state, and local laws.

(115.382) Access to Emergency Medical and Mental Health Services

- C. The facility Director will ensure that victims of sexual abuse while confined shall be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. If there is an allegation of a sexual assault within a 72 hour time frame, youth will be sent to the Emergency Room to be examined and to have forensic evidence collected, STI labs done, and to provide emergency contraception. If beyond that time frame, the facility can screen for STIs and offer emergency contraception if within the required clinical time frame. The agency has a contract with Global Diagnostics to provide SANE nurses that can come to the facility upon request by the Office of Health Services. Global Diagnostics can do the assessments on site. The facility can also use the SANE nurse on site if there are allegations of non-penetrating sexual assault.

(115.383) Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

- D. The facility will offer medical and mental health evaluation and appropriate treatment to all youth who have been victimized by sexual abuse (inside or outside the facility). Victims of sexual abuse while confined in a secure facility will be offered tests for sexually transmitted infections as medically appropriate.

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- E. Female victims of sexual abuse while confined in a secure facility will be offered a pregnancy test. If pregnancy results from sexual abuse while confined, the victim will receive timely and comprehensive information and access to all lawful, pregnancy-related medical services coordinated by the Medical Department. The facility will provide the required services or establish a Memorandum of Understanding (MOU) with the nearest Rape Crisis Center to offer youth required services.
- F. The facility will conduct a mental health evaluation of all known youth-on-youth abusers within 72 hours of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

XIII. Data Collection and Review

(115.386) Sexual Abuse Incident Reviews

- A. PREA Incident Review Team:
 - 1. Each facility and community residential provider will treat all instances of sexual abuse as critical incidents to be examined by the PREA Incident Review Team. The PREA Incident Review Team will include upper-level facility management staff, with input from line supervisors, investigators, and medical or mental health practitioners.
 - 2. At the conclusion of every sexual abuse investigation, unless unfounded, an incident review will be conducted. (See Attachment J, Sexual Abuse Incident Review Team Meeting Minutes)
 - a) The signed Attachment J will be maintained for audit reviews by the facility PREA Compliance Manager located in the PREA files.

(115.387) Data Collection

- B. Data Collection:
 - 1. The agency will collect accurate, uniform data for every allegation of sexual abuse at facilities and community residential programs under its control using a standardized Special Incident Report (SIR), in accordance with DJJ 8.5, Special Incident and Child Abuse Reporting, DJJ 23.1, Requirements of a PREA Case, and Attachment K. The SIR process includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. The agency will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

(115.388) Data Review for Corrective Action

- 2. The Agency PREA Coordinator, will review, analyze, and use all sexual abuse data, including incident-based and aggregated data, to assess and improve the effectiveness of

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the agency sexual abuse prevention, detection, and response policies, practices, and training.

3. The Agency PREA Coordinator will maintain a current link on the Department of Juvenile Justice website to provide PREA information to the public.

(115.389) Data Storage, Publication, and Destruction

4. The agency will maintain sexual abuse data collected pursuant to 115.387 for at least 10 years after the date of its initial collection, in accordance with DJJ 5.1, Records Management, unless federal, state, or local laws require a different retention schedule. In addition to the required 10 years, the agency will maintain data on all staff, contractors, volunteers, and/or interns who committed sexual abuse or sexual harassment of a youth for an additional five years after the staff, contractor, volunteer, and/or intern no longer work or are involved with the agency.
5. The Agency PREA Coordinator will submit an Annual Report with redacted material to the Deputy Commissioner of Operation and Compliance Division for publication approval for release on the DJJ PREA website. Before making aggregated sexual abuse data publicly available, the agency will remove all personal identifiers.

(115.393) Audits of Standards

C. Audits and Monitoring:

The PREA Compliance Manager will complete Department of Justice PREA Pre-Audit Questionnaire and self-audits via reports required by the Agency PREA Coordinator.

1. Secure Facilities:
 - a) The Agency PREA Coordinator, State-wide PREA Monitors, and the facility PREA Compliance Managers will monitor secure facilities to determine compliance with the national PREA standards.
 - b) The Agency PREA Coordinator will work on behalf of the agency to recommend Department of Justice Certified Auditors to conduct an independent audit of Georgia Department of Juvenile Justice secure facilities.
2. Community Residential Providers:
 - a) District Directors and Community PREA Compliance Managers will monitor and conduct internal audits of all Community/Court Service Offices for PREA compliance and will submit reports to Agency PREA Coordinator.
 - b) The Regional Treatment Services Specialists (RTSS) will monitor and conduct internal audits of all Community Residential Providers for PREA compliance and will submit reports to Agency PREA Coordinator.

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- c) RTSS are responsible for providing an accurate count of DJJ residents as requested by the Agency-wide PREA Coordinator.
- d) Community Residential Providers who have 51% or more of DJJ residents for seven months or more will be subject to Department of Justice audits.
- e) The Manager of Residential/Aftercare Services will provide to the Agency PREA Coordinator a list of all Community Residential Providers that are subject to be audited by Department of Justice by August 1.
- f) It is recommended that all Community Residential Providers follow the guidelines within the PREA policy (DJJ 23.1) and use the attachments for PREA documentation and compliance with program modifications.
- g) Community Residential Providers are responsible for providing their staff with the required PREA training to meet all PREA requirements.
- h) Community Residential Providers and private contractors are responsible for contracting with Department of Justice Certified Juvenile Auditors to conduct an independent audit every three years, completing all required audit documentation as well as uploading required documentation for the DOJ Auditor.

XIV. LOCAL OPERATING PROCEDURES REQUIRED: NO